

# City Council Regular Meeting Transcript – 08/07/2014

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[04:01:15]

>> Mayor Leffingwell: Good morning. Could you turn it up a little bit? Good morning, I'm austin mayor lee leffingwell. We'll begin with the invocation. If I could have your attention, please, in the back. The invocation from mark washington, city of austin human resources director. Please rise.

>> Let us pray. Our lord and our god, the fountain of all holiness, our invisible and visible strength and refuge who stands and lives eternally in our hearts and minds forever. May your kingdom come and your will be done on earth as it is in heaven. We stand today in need of your grace and your guidance. As a deer needs water, we long for it. We pray for our leaders and our residents of our community and we pray that you will give us all devine guidance, understanding, wisdom and compassion that we may be able to receive it as we stand before you as an empty pitcher before a full fountain. Pour into us that our cup may run over. Bless now our community that we may be examples both to our neighborhoods and our nation. Help us to model excellence, demonstrate resilience, embrace differences, and deploy justice. That goodness and mercy shall follow us all the days of our life. We thank you and we ask this in our savior's name, amen.

>> Mayor Leffingwell: Amen. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on august 7, 2014, at 10:04 a.M. We're meeting at the travis county administration building, 700 lavaca street in the commissioners courtroom, first floor, austin, texas. First I want to thank judge biscoe and the travis county commissioners for allowing us to use this space while our current space is under construction. And we're especially grateful, our second choice was a coat closet on the first floor of city hall, so we're very happy to be here. Thank you very much. So we'll begin today with the changes and corrections to today's agenda. First item number 91 is withdrawn. On item number 103, add as a second co-sponsor councilmember chris riley. Item 103 is postponed until AUGUST 28th. 2014. Item 117 is withdrawn. For item 167, at its 4:00 p.M. Time certain, a request to withdraw that item will be made. On items 168, 169, 170, 171 and 172, at their 4:00 p.M. Time certain a request to postpone these items until AUGUST 28th, 2014, WILL BE Made. On item 175 at its 4:00 p.M. Time certain a request to postpone this item to SEPTEMBER 25th, 2014, WILL Be made. Our time certain items for today, noting that the restore rundberg initiative item briefing has been withdrawn. We have no morning briefings. At 12:00 noon we'll take up general citizens communication. At 2:00 p.M., We'll take up our zoning matters. At 3:00 p.M., We will recess the austin city council meeting and call to order

a meeting of the austin housing finance corporation board of directors. When that is finished, we'll reconvene the city council meeting. At 4:00 p.M. We'll take up our public hearings. And at 5:30 we'll do our proclamations. We will have unfortunately no live music while we're here at the commissioners court. Councilmember spelman.

[04:05:54]

>> Spelman: I understand item is it 117? The restore rundberg briefing has been withdrawn.

>> Mayor Leffingwell: Yes.

>> Spelman: I've been asking for this briefing approximately six months and it's been postponed many times. Expectations when we can get that briefing.

>> Mayor Leffingwell: I'll ask the city manager. Do you have a plan for when that briefing will be done?

>> We're ready now, of course, but will certainly be ready on the next council agenda.

>> Spelman: Okay, so

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>> or work session either one.

>> Spelman: Instead of withdrawing it, if we could postpone it until the 28th of august, I'd appreciate that.

>> Mayor Leffingwell: Please give that direction to bring it back on the 28th.

>> Spelman: That would be fine.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I would ask item 89 be pulled for a very brief discussion.

>> Mayor Leffingwell: I haven't gone through that but I made a note. Our consent agenda is items 1 through 127. I will read into the agenda item number 89, which is our appointments to boards and commissions. To the downtown austin community court advisory committee meredith walker councilmember spelman's nominee. The american asian quality of life commission, sheda taha. Heather dolby and robert shaw. To the zoning and planning commission, jackie goodman is councilmember morrison's nominee. Public safety commission, rebecca webber is councilmember morrison's nominee. Electric utility commission michael osborne is councilmember martinez's nomination. There are no waivers requested on today's agenda. The following items have been pulled off the consent agenda. Item 3 has been pulled by councilmember tovo. Item 15 pulled for a brief presentation by staff. On the budget schedule, I anticipate we'll take that up quickly after the consent agenda. Item 17 is pulled to be heard after executive session, which will be this afternoon. Item 38 is pulled for a brief presentation by law. It's a settlement issue. Item 60 and 61 are pulled by councilmember spelman. Item 89 pulled by mayor pro tem cole. Item 110 pulled by mayor pro tem cole. Item 112 is pulled by councilmember tovo. 113? Okay. Thank you for that correction. So that's not 112, it's 113.

[04:09:06]

>> Tovo: I apologize, mayor, it's the trail of lathes, 112.

>> Mayor Leffingwell: Back to the original. 112 is pulled off consent. 113 remains on. The following items have been pulled for speakers. Items 20 and 27, item 30, item 31, item 111, and item 104. So we have

several speakers on the consent agenda. We'll go through those now. The first speaker is melvin wren. We'll go to the next speaker, brent lyle. You have three minutes.

>> Excuse me, hello. My name is brent lyles, executive direct of austin youth river watch speaking in reference to item 99. Austin youth river watch is an after school program primarily for at risk high school students. We work with 120 students a year primarily at nine aisd high schools. The work that we do involves water quality monitoring and our students learn to collect water quality data from 25 sites in the austin area. It's also dropout prevention. We're with kids over the course of several years and we do [inaudible] development activities. This nonprofit was created by the city 22 years ago in partnership with lcra. And we have been funded by austin water utility in part for all of those 22 years, and now because of the financial difficulties at austin water, they've let us know they won't be able to renew a contract with us starting in march of this coming year. For us, the loss of that revenue stream represents about half of our organizational budget, so it's a pretty big hit. We have been building up our own fundraising capacity and item 99 is an item to help us fund bridge funding so as our own internal capacity grows, we would be able to make up some of that difference and keep our organization running, keep our programs running in the interim and keep us viable. So thank you for your consideration of that and I appreciate it.

[04:11:38]

>> Mayor Leffingwell: Thank you. David king.

>> I'm here to speak on item number 97 regarding the support for the central american refugees that are coming to our state and to our nation. And I am very proud of this council for bringing forward this resolution. To me it shows that we have compassion and we care about the children who are trying to flee for their lives and for their livelihood. And I'm glad that we are opening up our arms to embrace them and to provide them with the shelter and the care that they need. And I really take my hat off to you all for bringing this forward and I hope that you will all support this. Thank you, councilmember morrison, for sponsoring this, and thank you, council, for being so compassionate with these children who need our help now. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker is cyrus reed.

>> Thanks. I didn't realize it was on the consent agenda, item 6, which is increasing the maximum commercial rebates for energy efficiency program. This is an issue in the original task force, we thought it might be time to look at those rebate levels. The most recent task force on energy. We also looked at new technologies, new hvac systems, thermal cooling, all of which may need a higher incentive to convince large commercial customers to go along, so this is a good idea and we support it. Happy to answer any questions.

>> Mayor Leffingwell: Thank you. Next speaker is bill bunch.

>> Good morning, mayor, mayor pro tem, members of council. I'm bill bunch, executive director of save our springs alliance. I want to first say whoever set you up here did a great job. You are looking really sharp in your new digs.

[04:13:54]

>> Mayor Leffingwell: Just don't look under the counter. [Laughter]

>> I promise not to do that. Just wanted to thank all of you all for your support in making the water research planning task force happen and encourage you to schedule a briefing from chair charlene lurig very soon. I know effort was made and there was conflict but we need to get that up in front of you all and have some public discussion because there's quite a bit of meat there and we want to make sure there's a good baseline for everybody to work from going forward. Thank you councilmembers tovo and riley for trying to make those happen. On the bcp coordinating committee and issues, I want to continue to encourage to you appoint either councilmember morrison or councilmember spelman to take that seat. You are way overdue, literally years overdue from revisiting who should serve as the city's representative on that board. I understand that mayor leffingwell wants to continue serving and very much appreciate that. So if that's going to happen, the mayor made some promises last time which are also very much appreciated, mayor leffingwell, but that promise was to not go to any meetings in the interim. And now we have a meeting coming up next week and likely other meetings. So it's very incumbent, continues to be incumbent that the 6-1 overwhelming super majority of the council's wishes to pursue opposing 45 be meaningful and that we take those actions. So if we're going to go forward as is without a new representative, mayor leffingwell, I hope that you will be very straightforward with your colleagues and that you all will make sure that there's no votes taken that would help 45 go forward in any way at all directly or indirectly. In upcoming meetings, if the mayor is going to continue to be the city's sole representative on that two-person body that has a very critical role in managing 45 -- excuse me, managing the bcp. And on that note, I want to thank city manager ott for your excellent letters concerning 45 and mopac. It was exactly what I think the 6-1 council majority intended for the staff to do and it was right on in terms of really good policy and what -- and in my view the law requires. So I'm really encouraged to see this council following through on that resolution and staff as well. So please let's do address the coordinating committee. There's not going to be a change. We need to have the mayor respect this council's will on those issues.

[04:17:09]

[Buzzer sounding] thank you.

>> Mayor Leffingwell: Mr. Bunch, I do want to say, rather reiterate what I've said in the past that I do not believe that the commission has any purview that's been backed up by a legal opinion. And I do not -- I will not vote on any issue yay or nay with regard to state highway 45 on that commission. In addition, although I've said I support going forward with the proposal to build sm 45, I will not support any modifications to the city's environmental policy and restrictions with regard to karst water quality, endangered species, et cetera. And I've said that all along. Mayor pro tem cole.

>> Cole: And I'm assuming you are making that representation whether it is directly or indirectly brought before bcp.

>> Mayor Leffingwell: That is correct.

>> Cole: Mayor, you can remove item 8 and 9.

>> Mayor Leffingwell: I'm sorry. That was the item that was supposed to be pulled. So item 89 is back on the consent agenda. We have one more speaker, christy dwarfy. Garvey.

>> Good morning, mayor leffingwell and city councilmembers. My name is christy garvey with central

health. I'm here to speak on agenda number 109. We want to thank you very much for your consideration of an ordinance that prohibits the sale and delivery of electronic cigarettes to minors in our community. I thank councilmember morrison, martinez and riley for sponsoring this ordinance. I'm joined here this morning with a local group of public health advocates from smoke-free texas, u.T. School of public health, student affairs. I'll also joined with representatives from the american cancer society, the cancer action network, and the american heart association. Last night at our central health board meeting, our board members passed a resolution and supported this ordinance and I'd like to read an abbreviated version of that resolution in the consideration of your time this morning. So whereas effective october 1, 2013, the central health board of managers implemented the 2014 strategic plan and the strategic plan includes a foundational pillar dedicated to health promotion. And whereas on march 18, 2014, the austin city council committee on public health and human services requested central health to assist with providing information and stakeholder coordination related to the local regulation of electronic cigarettes. And whereas the central health population has a high rate of tobacco use and central health has a role in improving the health of individuals in the community per our health promotion pillar in the strategic plan. And whereas electronic cigarettes and liquid nicotine are unregulated products with no minimum purchasing buying age that may have harmful effects on individuals' health, and whereas central health is concerned about the health and safety of our covered population and all travis county residents. Now therefore be it resolved that the central health board of managers wishes to extend its support to the city of austin for their efforts to regulate the sale and possession of electronic cigarettes and their related products to minors. Thank you very much.

[04:20:51]

>> Mayor Leffingwell: Thank you. Councilmember morrison has maybe a question.

>> Morrison: Not really a question, just I just wanted to briefly express my gratitude for the work you all have done, all of you have done to raise this and advocacy on behalf of all the folks that live here. So I think

-- I thank you for your work and look forward to that continuing.

>> Thank you. It's very encourage to go see how many of us support the health of the children of our community. Thank you.

>> Mayor Leffingwell: Thank you. Councilmember martinez.

>> Martinez: Just wanted to note we did receive one phone call from a local vendor of this product, all about vapor, and they are in 100% support of this and currently don't sell to minors. I just wanted to let folks know that even the industry understands these concerns and they are proactively imposing this without us having to enact this ordinance.

>> Mayor Leffingwell: Thank you. Next speaker is carol midricky.

>> Good morning, mayor leffingwell and councilmembers. Thank you for calling me here. I had a problem with the electronic sign-up system. I don't know if other people in the room did or not. I wanted to speak to you about item number 6 which dr. Reed from the sierra club spoke on a little bit earlier. I agree with him that we do need to take a careful look at all of our energy efficiency programs and rebate programs, however, as a member of the resource management commission, I voted not to recommend your to send this recommendation to you. And I've got two reasons. Number 1 is a budget

question. There is a budget transparency problem with the energy efficiency programs. According to the response to some questions that councilmember morrison submitted, there is -- they have \$600,000 available in unexpended budget funds, but it has not been identified where those budget funds came from. And also the question is what happens next year if there are not more unavailable budget funds. I think the answer to that question is incomplete. The second bit of information that was submitted that is of concern to me is they gave examples of four different businesses who received the maximum rebate amount of \$200,000 and would have been eligible for \$300,000 if this cap was raised. My question is if these four businesses made the investment at the existing rebate level. So are we really getting more energy efficiency by raising that cap. Under this circumstance, we are not. If there are funds to be expended on energy efficiency programs, I think we should be out looking for new technologies and different alternatives that will expand the base of customers that are participating in energy efficiency programs. So I think that this is not a horrible idea, but it's no the best idea in the world. Thank you.

[04:24:12]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if we have a staff member here that I could ask some budget questions about the one that carol raised. In particular, I'm interested to know, I was concerned about making sure that the funds that were going to be used for this weren't being taken away from some other program like residential energy efficiency. And when I read the answer about the \$600,000 can be absorbed within the current budgeted amount, I assume that meant within the current budget amount for commercial energy efficiency rebates. Did I assume correctly?

>> Yes, this is denise king, director of energy efficiency services at austin energy. And you did assume correctly. One of the elements to that

-- answer to that question really talks about penetration rates. Since 1982, austin energy has offered these types of programs. And because of that we've really benefited. We've had 1100 megawatts of reductions. As each program comes out, it's harder to get that next step of reduction because they've done the basics. They've done the lighting, some of the behavioral changes. And so now what we're really trying to do is to get to that next level of customer that really changes their behaviors and says it is worth our investment. In addition to those three that we mentioned, there are additional projects where customers said based on the cost benefit they just can't justify making these investments, it's on the borderline, and if we were able to provide these extra incentives for those projects, we would be able to capture those savings and basically influence them to the next level. And that's really what we're going to. A lot of programs across the united states has that basic level of incentives and behavioral changes that they are still able to capture because they haven't been doing it for 20-some years. We're entering that next level of market transformation and that's what it's about.

[04:26:20]

>> Morrison: I appreciate that and I had sort of asked when the backup had said that a.E. Had determined that we needed to do this, and I had asked for some kind of quantitative quantitative

analysis and what I'm hearing is it's a quantitative analysis you have done. And I know that you report to the rmc on the effectiveness of the programs on a regular basis so I think it might be helpful if you can especially focus on how this next time you report and over the coming year how this change in cap has affected the adoption.

>> And what we can do is for those projects that are beyond the 200,000, we'll definitely indicate that. And in addition to more behavioral and maybe I misled you on that, it's a potential of behavioral as well as they are motivated to make the change because the cost benefit is more in their favor. And the cost benefit would be that extra incentive that then makes it more reasonable for them to make those investments. So it's a combination of financial as well as behavioral.

>> Morrison: Great. Thank you.

>> Uh-huh.

>> Mayor Leffingwell: Next is david foster. David foster. There he is. Okay.

>> Thank you, mayor leffingwell, councilmembers, my name is david foster here to speak on behalf of clean water action in favor of item 108 on the consent agenda concerning a resolution on the waters of the [indiscernible]. I want to begin by thanking councilmember morrison for taking the lead on this and councilmember spelman and mayor leffingwell for co-sponsoring and reiterate my thanks to mayor leffingwell explaining what this rule making is all about. There are a lot of folks misunderstanding what this is all about. All it does is restore protections to small head water streams and wetlands to where they were before the last bush administration. About 12 years ago the bush administration decided that waterways dry up are not protected by the clean water act. As I've said before, you can't protect major waterways like the colorado river without protecting the tributaries that feed into them any more than you can protect your arteries without protecting your veins and capillaries. This would restore prior to bush administration. It's important austin and other jurisdictions be in favor of this as travis county did because this rule making is under attack. The claim is this is overreach, that it wouldn't allow, for example, a farmer to manage his or her own fish tank pond and so forth or a ditch that might fill up with water when it rains. That's simply not true and that sort of misinformation is coming from the same corners of our political culture that are attacking pretty much anything e.P.A. Is trying to undertake to protect our environment from reducing carbon emissions to eining in toxic emissions from coal plants. Thank you very much.

[04:29:53]

[Applause]

>> Mayor Leffingwell: Thank you. Roy waley.

>> Howdy, y'all, my name is roy waley of the austin sierra club and good morning. I just want to speak briefly on the reclaimed water. Thank you very much for that. Appreciate it very much. I want to also thank you for having assigned the wtf, the water task force

-- what, bill? Anyway, thank you for that. And do want to move forward with that, but agree that we would like to hear a presentation from the chair on that. And once again thank you and I'll be glad when you are back home in your old digs. Thank you very much.

>> Mayor Leffingwell: Thank you. I have to mention that I'm sure you all will be saddened to hear that our speaker sign-up system has gone down. I have to ask is there anyone else who signed up on the

consent agenda who would like to speak now? In that case I will entertain a motion to approve the consent agenda.

>> Move approval.

>> Mayor Leffingwell: Seconded by councilmember spelman. In favor? Opposed? Passes on a vote of 7-0. Now, council, if there is no objection, number 15 promises to be very short. And we'll take that up first. This is council action that canceled our meeting on the 21st and there's not time to post items on that agenda right now. It would be a very short agenda anyway. But the motion should also include mention of retaining the budget session discussion at our work SESSION ON THE 19th. So my understanding is that those councilmembers who expressed concern are okay with this so I would entertain a motion to cancel the council meeting on the 21st and retain the budget work session for the purpose of setting the tax rate on THE 19th.

[04:32:24]

>> So moved.

>> Second.

>> Mayor Leffingwell: Councilmember spelman moved, seconded by mayor pro tem cole. All in favor? Opposed. Passes on a vote of 7-0. Item 3 pulled by councilmember tovo. I don't have anyone signed up to speak. If you signed up to speak on this please raise your hand or let me know in some way that you want to speak. I don't see anyone out there, councilmember tovo.

>> Tovo: We discussed this at our work session on tuesday and I would like to move it be postponed at this time and that it be added as an agenda item on our austin energy committee meeting.

>> Second.

>> Mayor Leffingwell: So the motion is to postpone this item till the austin energy committee meeting next week. Is that correct?

>> Tovo: For discussion at our committee meeting.

>> Mayor Leffingwell: For discussion, not action.

>> Tovo: Correct.

>> Mayor Leffingwell: That's seconded by mayor pro tem cole. Is there further discussion? Councilmember spelman. I was waiting for you to say something. You were frowning.

>> Spelman: I think I can answer the question, but I prefer to get a reality check by somebody from e.

>> Good morning, larry weis, general manager, austin energy. I think postponement for action -- my suggestion would be we put it on the 28th agenda, assuming welcome get through our long discussion and I can provide the information that was asked for yesterday. And we'll be prepared at a council committee to do it. I would like if it's appropriate that we have the allocation of funds and where we are going to put them before we start the budget for the fiscal year so I think that would be the goal.

>> Spelman: So long as it's done in august and not september you are going to be okay.

>> Yes, sir.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Let me just make a suggestion here, city attorney. I don't think there's any reason why we couldn't have the discussion and then take action at the committee meeting, is there?



[04:34:27]

>> [Inaudible]

>> Mayor Leffingwell: You prefer not to do it that way?

>> I'm happy to have it posted for action. I don't believe I'll feel ready at that point to take action on it. I think we need to make sure we have time for a lengthy discussion but if the will of the group is postpone this item in its entirety for the committee meeting on THE 13th, THEN WE STILL Have the option at that point. For our action to be to put it back on the agenda for THE 28th.

>> Mayor Leffingwell: So the motion would be to postpone for discussion

-- postpone this item until the meeting next thursday, let's see, that would be the 13th, WOULD IT NOT? 14th. And at that time if there is a need to postpone, we can always do that then. So that's the motion, post AUGUST 14th. With a second. Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Councilmember martinez.

>> Martinez: I had a request, the distracted driving item, was that passed on consent?

>> Mayor Leffingwell: What item number is that?

>> Martinez: I'm looking for it. I'm sorry, mayor.

>> I thought it was pulled.

>> Mayor Leffingwell: It's been pulled by mayor pro tem cole.

>> Martinez: Thank you.

>> Mayor Leffingwell: So let's go now to item 38. We have a presentation by the law department on this item.

>> Good morning, mayor, mayor pro tem, councilmembers. Megan riley on behalf of the law department. I'm here this morning to recommend that you approve a payment of \$1.25 million to settle a claim filed by alexander gladney on behalf of her three minor children. This claim is related to the july 26, 2013 officer-involved shooting of larry jackson jr. Where ms. Gladney allegation officer kleiner used excessive force when he shot and killed larry jackson. If exchange the city will obtain a release that releases the city, officer kleiner and any other employees from any other claims that were or could be asserted as part of the lawsuit. Because the settlement involves minor children, guard ad litem will have to be appointed. Based on this the law department recommends you approve the settlement on these basic terms.

[04:36:56]

>> Mayor Leffingwell: Mayor pro tem. Mayor pro tem cole.

>> Cole: This is a situation that is a tragedy for all involved, from larry jackson jr. And his family to also officer kleiner and his family. One thing that everyone can agree upon is that we wish we could turn back the clock and not have the events unfold as they did. Because we are unable to do so, we must move forward. Everyone is working in good faith to try and make the best decisions possible in the midst of a complex and harsh reality. The city has received a claim from a lawyer who represents mr. Jackson's three minor children. City representatives attended a mediation with the lawyer and the mother of the minor children. We believe a monetary settlement now for these young children who have lost their

father through no fault of their own is the best path forward. While no action will be received positively by everyone, my hope is that this settlement will allow the jackson children to grow up with some financial assurance and will help the community move beyond the sad events of last summer. There is also a federal lawsuit pending in this matter. While the city remains open to resolving any other legitimate claims filed against it, we are also prepared to continue to work with those claims. That being said, mayor, I move approval of the settlement.

>> Mayor Leffingwell: Mayor pro tem cole moves approval. Seconded by councilmember spelman. Discussion? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 6-1 with myself voting no. And before we go on, I need to make a clarification. The clerk has it noted correctly, but item 20 was passed on consent, item 26 pulled off consent. A 6 sometimes when people write it looks like a zero.

[04:39:14]

>> [Inaudible] I'm bob year taylor

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>> Mayor Leffingwell: If there is no objection from council, the item is closed, but if there's no objection we'll allow you to speak for three minutes.

>> I'm bobby taylor, I represent the three children, the mother. She obviously sought more. We have discussed this in detail. She is authorized me to accept this and move forward and she has asked me to assure you all that the children are appreciative of everything that's been going on because it has been complete cooperation and she is ready to settle this and resolve it in line with the discussions we've had with the city of austin. So on behalf of the children of larry jackson, this does resolve our issues in this matter. Thank you.

>> Mayor Leffingwell: Thank you. So that brings us to items 26 and 27. Which I believe can be heard together. Let me verify that. We do have two speakers signed up. The first speaker is gus pena.

>> Good morning, mayor, councilmembers. Mr. City manager, city attorney. Gus pena here on both items. I want to thank the city of austin for funding these two critical items. Now, one of the things that I had discussed with the committee is two things, youth and senior citizen collaboration. And participation. It's very important to look at the different geographical areas of austin. Each has its different issues and different histories. I just want to thank the city of austin because this is a key critical initiative for the residents of all parts of the city of austin. That way people will know what the background of different geographical areas are, especially my hispanic east austin. Thank you very much for that. Appreciate it.

[04:41:41]

>> Mayor Leffingwell: Next speaker is jane ruz. Jane is not here. Those are all the speakers that we have. Is the sign-up system operating correctly? Okay. Councilmember martinez moves approval of items 26

and 27. Seconded by councilmember morrison. Is there any discussion? Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. We now move to item 30 pulled for speakers. First speaker is gus pena.

>> Again, mayor and council, gus pena, native east austinite. I want to thank the council for continue to go fund the african-american youth harvest which we had this initiative all across town because a lot of children are at risk, a lot of students at risk. I want to thank michael lofton who we go back 30 years at the council's dealing with youth issues. I was the one that pushed the citywide nighttime teen curfew when mayor t.O.D. Was mayor. Thank you for the continued funding. It's very crucial. Thank you.

>> Mayor Leffingwell: Next speaker is sam jones. I thought I saw sam here earlier, but he doesn't appear to be here now. I'm just kidding. Alex james. Alex james. That's all the speakers that we have signed up. I'll entertain a motion. Councilmember martinez moves approval of item 30. Is there a second? Seconded by councilmember tovo. Discussion? All in favor say aye.

[04:43:46]

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. And we now go to item 31 which was again pulled for speakers. Looks like the same folks. Gus pena. You don't want to speak. Okay. Sam jones and alex james are not here, I assume. Councilmember martinez moves approval. Seconded by councilmember riley. All those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. So I believe that takes us to item 60 and 61 together, pulled by councilmember spelman. These are separate items but you pulled both of them.

>> Spelman: I pulled them both for exactly the same reason. We have extremely late backup. I just got it about 120 seconds ago. And I believe this answers the questions that I ask before, but I would like to caution staff if we're talking about new money to purchase new trucks, we're talking about replacement trucks, my presumption is we had to replace them because the old trucks were getting to the end of their useful life and this is for some new operation. And the justification has to be we're going to be doing something new and here's what that new thing is going to be. This appears to be responsive to the questions I asked before so I'll move approval, but I would like the answer to that question next time. But I got it so I'm a happy guy. Move approval of items 60 and 61.

>> Mayor Leffingwell: Councilmember spelman moves approval of 60 and 61. Is there a second? Seconded by councilmember riley. Discussion? All in favor say aye.

[04:45:49]

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. That brings us to item 90 pulled by councilmember spelman. We do have one citizen signed up to speak. That is bill bunch.

>> Spelman: I'll be happy to wait for the citizen.

>> Mayor Leffingwell: Is bill here? Back there. Not wishing to speak. Mr. Bill bunch. All right. Doesn't need to speak. And those are all the speakers that we have. Councilmember spelman.

>> Spelman: Mayor, it seems to me we ought to be speaking on items 90 and 91 at the same time since they are both on very similar

-- exactly the same issue, approaching it in slightly different ways.

>> Mayor Leffingwell:91 has been withdrawn.

>> Spelman: That is superseded by 90 which is the same idea. With respect to item 90, I wonder if there is anybody here from city staff who could speak specifically to that last appendix in the task force report which refers to a model which I'm given to understand is locally referred to at the wham model. I don't know when that stands for.

>> Your question is what's the wham model. Wam stands for water availability. We have taken the model which tceq materials how much water is available this the river systems and enhanced it and we have our version of the wam that we used in support of modeling various scenarios that the water resource task force asked us to examine.

[04:47:58]

>> Spelman: The version of wam implementation models three tiers of local new source for water, as I understand it. And basically shows what happens in the drought continues, what happens if the drought gets worse, and we implement these three tiers or we don't implement these three tiers of local sources. Is that accurate?

>> Yes. The task force did a couple things with regards to the modeling. One, they set the assumptions to model. One was what kind of assumption to model in terms of inflow into the system, new water coming into the system. And obviously we've been in a drought, so they set a model assumption for us to model the three lowest in-flow years of this drought which would be 11, 12 and 13. You might call that the persistently severe drought. We also did some modeling for if you take out 2012, which was the wettest of those three years, and just did 11 and 13, the driest two years the highland lakes have experienced, that was the upper and lower bound of inflows. Might call that persistently exceptional drought conditions. Then as they provided input to us on various scenarios, what if you did this with the project, this project, we modeled how that would affect the river system and used a model to forecast how the lake levels would respond to those various water supply strategies under those severe drought conditions.

>> Spelman: The results that were available in the backup were for two classes of issues. One of them is if we did three tiers of local water supply initiatives. And under I believe it was 2011, 12, 13 conditions, basically what happened before is going to happen again. This is not a blip, this is the new normal. The second model result that I saw was under the assumption that the inflows into the highland lakes would be 70% as great as in the last three years which sounds like is that second condition. 2011, 2012 was wetter than the adjacent years.

[04:50:25]

>> You are correct.

>> Spelman: Okay. And allow me to characterize what I thought the results said and I would like a reality check from you. If we implement tiers 1, 2 and 3 and the drought continues as it has been, 11, 12 and 13 continue, then conditions don't get much worse. They get a little worse, but they don't get much worse. The water in the highland lakes stays around the same, around 600,000-acre feet, we're going to be okay. If, however, the drought gets worse, even if we implement tiers 1, 2 and 3, pardon me my use of the technical term, we're towedly screwed. Is that a fair characterization of what we're finding here?

>> Yes. Essentially I'd like to just this a little bit. One of the things the task force did a lot is examine these issues, including that the future may be significantly different than the past where feeling I think climate change pressures, as a matter of fact, I had a meeting with the well regarded atmospheric scientist and they said this drought is behaving as you would expect climate change to behave including the severe weather of 11. So we worked a lot with the task force under those scenarios. Under persistently very dry conditions, even with very strong demand management of the lakes continue to decline. They decline slowly. You could still go many years into the future, but ultimately it's difficult to stop the lake level from declining. Even in a slightly wetter scenario, one of our goals was to try to have a set of scenarios or tiered responses that would stabilize the lakes at above 400,000. Because when you drop below 400,000, that kicks in stage 4 and no outdoor watering and maybe damage that's hard to reverse in terms of the tree canopy and other things. That's what I think was the struggle. You are correct, under severe dry persistent conditions, the lakes continue to decline even with some aggressive demand management and some

-- some of the supply strategies.

[04:52:37]

>> Spelman: Thank you for adding detail and nuance. If we're in stage 4, there are going to be a lot of environmental changes to the city, the tree canopy is going to be very different than it is if we are able to get out of that stage 4 and people are able to water those trees, irrigate their houses and things like that.

>> Correct.

>> Spelman: Have

-- I'm interested in knowing whether or not all of the recommendations of the task force are included in tiers 1, 2 and 3. It seemed to me those are mostly local source initiatives and not demand management initiatives. Would it be possible for us to model the effect of those demand management initiatives, given our best estimates as what the takeup rate is going to be for those initiatives?

>> Demand management is included in those scenarios.

>> Spelman: Okay.

>> Yes. We had included

-- as an example, implementation of stage 4. We had water use dropping

-- right now in stage 2 our water use was about 140, 2,000-acre feet a year. We've modeled into the 90,000-acre feet a year which would be a gpcd of below 90 as an example. There's a lot of demand management included in that

-- in that model run.

[04:55:45]

>> That -- there's a couple decker lake strategies. That one would -- right now decker uses a lot of water or the power plant uses a lot of water from decker and you have to maintain a pretty deep tool. That strategy would imagine decker either being decommissioned or significantly changing the way it generates power where it's a lot less water intensive. A.E. Are evaluating those kind of changes at decker. But essentially that scenario, a four channel off reservoir and use it to store water during plenty times, maybe when you get a little more rain. We've been getting more rain to the east. It hasn't been going to the west. Use that water during dry times to suffice, say, environmental flows or others and keep that water this the highland lakes. But essentially you are correct.

>> Spelman: Okay. So if

-- and we have not yet made a decision to take deck of off line. That's one of the things which is on the table for us to consider, but we haven't actually made a decision as I understand it to do that.

>> That's correct.

>> Spelman: At what point, if we're going to take the model seriously, after january 2016, any time after that if buchanan and travis fall below 420,000 acres feet we would implement the off storage at walter long lake. That would suggest we would have had to make a decision between now and next year and pull it off line. I would gu we would have to lay a pipe between walter long lake and the cost in order to get the aquifer connected to ulrich and davis. Is that right?

>> Not in that case. Decker is refilled from a colorado river system and there's already a pipe that is in the colorado. Now, what we would want to work through is extending reuse pipes, if maybe that was your question, from our wastewater plant closer to decker where we could partially refill decker to reuse water in addition to colorado river water. So the idea would be in concept that decker would be refilled if we had a heavy rain event, the colorado was flowing with rain, we could pull that water out of the colorado, store it in decker. In addition we could take wastewater, treated wastewater effluent and also store that in decker. That's how you would fill decker and empty it, operate like an off channel reservoir.

[04:58:30]

>> Spelman: How do we empty decker?

>> Several ways. We're evaluating opening the taner gate and allowing water to flow naturally down decker creek back into the colorado river and that would be one way to do it. Another way to do it would be through the pipeline system. You have the pipe that can pull the water up from the colorado. You could put a barge on decker with pumps and then pump that water back down that pipeline system the opposite way and return it back to the colorado. You know, those would be some of the things we would need to work through and, of course, working closely with a.E. And the community and others.

>> Spelman: But we would still need to be able to take water from the colorado river downstream san be able to street it and put it into a potable water system.

>> Most likely what we would do because the highland lakes supply water, you certainly could do that kind of a strategy. Initially what we had imagined, highland lake water is released in large volumes to

keep bays and estuary healthy over 30,000-acre feet a year for that and that's a requirement. And that one scenario would be that decker could, say, suffice bays and estuary flows and then that water wouldn't have to come out of the highland lakes. And so then it's like a wheeling deal. You are wheeling water from one spot, keeping it in another. We would need to work closely with lcra on that river system dynamic, but certainly there are other scenarios you could take the water out of decker and pipe it into our drinking water plants and produce drinking water from it also.

>> Spelman: So the basic idea is here water that would be stored in decker would not be eventually used for potable water in the city of austin system, but we will be wheeling it to use it to help the lcra with its needs to be able to keep the estuaries healthy.

[05:00:39]

>> And instead of that water being released from the lakes, which is where we draw it from, you could use maybe decker water for that. I mean there's various examples like that.

>> Spelman: I can think of a nuclear power plant, for example, that uses water fairly frequently.

>> Exactly.

>> Spelman: So the short answer if we wanted to use

-- implement the wagger long off channel storage, we would have to make a decision to take decker power plant off line which we haven't done yet. Sounds like there's some other things probably would be helpful to do, but they are not particularly capital intensive or long in duration. We could probably do that fairly quickly.

>> Yes, that's why it's an attractive option. Even now there's a few feet of the reservoir that can be used as decker is currently configured and we're working with lcra

-- excuse me, a.E. On how we could draw off a few feet of the reservoir, what that scenario is a more full draw-down, but we're looking at minor ways of using decker this year or next.

>> Spelman: Okay. Let me ask you about the second of the tier 3 strategies. That's the indirect potable reuse of taking treated wastewater, putting it into lady bird lake. This is obviously politically

-- will be more controversial, tell me how that would work.

>> We discussed that extensively with the task force. The way this

-- this strategy would work is if the lakes were to fall to really very low levels, 400,000-acre feet or less, maybe 20% or less capacity, we would take treated wastewater effluent that is released to the colorado instead of releasing it to the colorado, we would pipe it back up and put it into lady bird lake. Then lady bird lake would be kind of a natural equalization basin. You would have wort effluent into lady bird lake, you would have water flowing still out the highland lakes, the two would mix together, barton springs water would be coming in, you would be mixing those together. Barges are very easy to do from a pumping scenario. You can rent a barge with pumps on it and you put the barge a lady bird lake and then pump that water right into our drinking water plant and produce dripping drinking water. Clearly not a preferred option, but we also have climate change uncertainty pressing down on us. We don't know how bad the drought could be. But we have recommended and the task force had also included that in their report that there are some long lead times with this kind of an option. For example, you would have to get a permit from various permitting agencies, tceq and potentially others, and that it mate take you a year or longer to get a permit. And we had recommended that we start those kind of

longer lead options in order to be in a position to consider that option versus finding out that we're in a really bad state and just start it then when you have this built-in lead time.

[05:03:55]

>> Spelman: Yeah. The assumption that the analyst, mr. Halfpower.

>> Yes.

>> Spelman: His assessment was both strategies would be available starting january 1, 2016. And if we were talking about the 11 and 13, not 12 scenario with less water coming into the lakes, it looks like actually implement that straffer starting around 2017 or so. That's the about the first moment we would actually have the lakes drop to a level this would kick in, below 420,000-acre feet in buchanan and travis. At what point would we need to start taking action to have that south austin regional pumping water into lady bird lake, be able to pull it out with a barge and send it to ulrich, at what point would we need to start taking action for that to be available to us in, say, 2017 or 2018?

>> We would recommend essentially to start some actions now that we would start engaging with permitting authorities, just a permit application could take well over a year or longer. We would like to do some planning, perhaps some preliminary engineering so we could work through the capital side of that. It takes some time to have a baby and sometimes, you know, you need that. And then if it rains and the lakes

-- I shouldn't probably talk about having a baby, right?

>> It's going to take you a long time to have a baby.

>> We

-- if it rains and the lakes go up, it's the kind of thing that we wouldn't do, we could stretch out the time frame, but if it doesn't rain and we see these dry conditions persist, you know, we would be that much farther down the road.

>> Spelman: And by taking some of those actions immediately just sort of getting the wheels moving, that wouldn't necessarily commit us to taking that course of action. We're not committing ourselves to pumping sewage into lady bird lake, but we're allowing ourselves the option of doing that if we really need it.

[05:06:13]

>> I didn't. And what the beauty of this option is a lot of things we would do, for example, one of the things we would do is continue to grow our reuse program. We have plans for reuse piping to go in and around the lady bird lake area, we would implement some of that piping and you can turn it on and off. If you don't use that piping to put that water in lady bird lake, it would be for regular reuse water. It's the kind of option that you can switch on and off and work to minimize the amount of stranded capital. I'll call it the beauty of the option is if you commit to it doesn't mean you commit to it forever, it just means you implement it during extremely low lake levels and when you recover you turn it off.

>> Spelman: If we pursue this option, there would be a lot more public conversation about this, but since there's the first time it's come up and I know the issue is probably going to be on people's minds, we just ask a screening question. Is there a public health problem or environmental problem, an



important public health or environmental problem associated with taking south austin regional treated wastewater and pumping it into lady bird lake where you have a lot of people fishing and boating and things like that?

>> I think those are some of the things you would work through. We would have to work with watershed and others on how that would work and how that would change the way the lake would be used. There's not an environmental problem or health problem with us turning that water into drinking water. We're very confident of our ability to do this. The drought is causing other texas cities to implement these exact strategies. Wichita falls, population near 150,000, is -- has implemented this strategy already. Today they've cut demand by 70%. It wasn't enough, and now they've implemented a strategy very similar to this. But certainly that would be the kind of things we would want to work through in the months and years ahead in terms of how it might impact lady bird lake's use and others.

[05:08:17]

>> Spelman: Let me ask you one more class of questions. Study including which is the most of the attention in the task force. Opportunities for tier 1, 2 and all of tier 3, but item 90 only authorizes you, as I understand it, to the one-half of tier 3, the walter long off channel storage section and not to take further action on the south austin regional pumping into lady bird lake option. And as I read the report, half of tier 3's value is associated with the walter long off channel storage and the other half of it just about 50/50, associated with the south austin pumping into lady bird lake section. Am I characterizing that about right?

>> I think essentially, the author of the resolution, I don't want to speak for her intent, but it specifically talked about

-- about one of those options in that section but didn't mention the others. And I suppose it's an assumption that if we're authorized or not to work on those things, I would

-- I suppose you could interpret that several ways.

>> Spelman: Let me ask you how you would characterize this and I'll ask the author of the resolution how she characterizes it. This is resolution 90. Is there a yellow sheet on this? There is. I should be working off the most recent version.

>> There is a yellow sheet that includes changes we received yesterday. Some suggested changes we received yesterday from some community members.

>> Spelman: Okay. The particular clause I was most interested in has not changed from the white version to the yellow version. And with your permission, I'll read this just to get a reality check if I might. This is the second to last page of the yellow sheet version. Item section 3, item e, which is referring to item 3.2.2 in the water task force report.

[05:10:32]

And it states: In addressing this item include only the recommendation for an enhanced off channel storage at walter long lake with potential replacement of decker power plant. How do you read those words include only the recommendation for enhanced off channel storage? Does this give you the

authorization you need to pursue south austin regional as well?

>> I would read it probably more restrictive where we would not do that unless

-- particularly with the

-- since it says include only, I think that language would

-- I'm not a lawyer, but I think that language would probably say council is directing us just to do that one strategy.

>> Spelman: Okay. Let me put the question to councilmember tovo.

>> Tovo: Sure. Let me back up and say that the resolution asks staff to go back, to look at the task force report and to come back to us with a time, a proposed schedule for these recommendations, the proposed plan and the proposed budget. So we're not actually at this point authorizing any work beyond that. We're asking them go forward, look at the recommendations, look at them really carefully, look at all of those that we've identified within here and then come back to us. With regard, there were some recommendations that were

-- that the task force had identified but hadn't provided much detail about. And so in that case I think we have a few more steps to get to before the staff are really at a point of being able to come up with a schedule, a budget or a cost impact, I should say. So with regard to section 3 of this resolution, it was asking really for some prioritization. You are right, it doesn't include all of that. If you would like to add that

-- I should say there are a lot of very good recommendations that are going to need some more explanation. This is a first step but it's not the last step. But if you would like to see consideration

-- if you would like to add to that, that would be a very welcome addition and I would be happy to add that as a friendly amendment.

[05:12:46]

>> Spelman: I have not attempted to redraft this or to make any amendments to it, but I can probably come up with a couple on the fly. My general belief is that greg and his people should be able to do whatever they need to do consistent with the water task force report to move the ball forward. They cannot take action on the vast majority of this stuff without coming back to us for authorization. But they should feel free to have conversation with whoever they need to, do planning whatever way they need to do planning, just not take concrete action until they've had a chance to check with us and everything that report considers given how dire the situation may become in the very near future.

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Yeah, I really appreciate the conversation because now I understand the thrust of your concern. By all means, absolutely, that task force report should stand on its own and nothing in this resolution should be construed to mean that you shouldn't explore any option for any of the recommendations that we may not have highlighted here.

>> Spelman: Okay.

>> Tovo: Thank you for that clarification. What we tried to do in concert with the staff and some other task force members was to isolate what we thought was ready for that next step. But certainly staff should do the work that they are

-- that they need to do. In moving forward with other things we may not have mentioned.

>> Spelman: Another way of construing that, include only the recommendation would be not just only do, only take forward action on that recommendation, but when you come back to us at the time and date assigned by this resolution, that's the only thing you need to come back to us for. You need to make progress on south austin regional, that's fine, but the only requirement is you come back to us with the off channel storage at decker lake.

[05:14:53]

>> Yeah, that helps certainly, yes.

>> Spelman: Councilmember tovo, does that make sense to you?

>> Tovo: I do. I wonder if our watershed staff want to address this point.

>> Actually there's a simpler way to do this. Why don't we say include and scratch the only. Will that resolve your concern?

>> Spelman: That would be fine.

>> Mayor Leffingwell: Get a motion on the table.

>> Tovo: Move approval of this item.

>> Mayor Leffingwell: Councilmember tovo moves approval of item number 90 seconded by councilmember morrison and recognize councilmember spelman.

>> Spelman: Let us remove the word only. So include the recommendation, but if you have other recommendations, include those as well.

>> Mayor Leffingwell: Is that acceptable to the maker and second?

>> Tovo: Certainly.

>> Mayor Leffingwell: So that's incorporated. Removing the word only. Next any others, councilmember?

>> Spelman: I'm done.

>> Mayor Leffingwell: Okay. Councilmember riley.

>> Riley: We did have a speaker just that we get a presentation from the task force and I think it would be helpful to have at some point certainly by the report date and ideally sooner than that. I know we're not set to post that at this date, but perhaps we could work with your office or other offices to see if we can get a presentation as soon as possible.

>> Mayor Leffingwell: I think that would be appropriate. That would be consistent with what we've done with other task force. Councilmember tovo.

>> Tovo: As I understand, there may be some speakers who believe this was on consent and wanted to speak and I think given that circumstance we had with other speaker system, I wonder if they could

--

>> Mayor Leffingwell: The speaker system is supposed to be working now.

>> [Inaudible]

>> Tovo: I wonder if we could just

--

>> [inaudible]

>> Mayor Leffingwell: All right, well, and what is your name? Roy waley, come on up.

>> Tovo: While he is coming up, we have heard the suggestion from community members that presentation be rescheduled.

[05:16:58]

>> Mayor Leffingwell: When you get done speaking, would you get your name with the clerk for the record.

>> Yes, I will. I appreciate very much lee. I forgot your name too. But I did want to sign up to speak in favor of this. And this is an item that the austin sierra club does support and I just wanted to have the sierra club on record. It's already been hashed out. You all have done that. And so it's

-- the horse is already gone and I'm just waving good-bye to the horse at this point, but we do support this item. Thank you very much.

>> Mayor Leffingwell: Thank you. Anyone else that tried to sign up on this item and couldn't? Please sign up after you speak, give us your name and you have three minutes.

>> Thank you, mayor and council. Bill, thank you for catching this. Regarding your

-- when you said about the political iffyness of using reclaimed water, remember that there are a variety of things that you can do with reclaimed water besides turning it into drinking water. It's one thing to consider is using that water to charge fire hydrants and fire suppression systems in the new highrises going downtown. Since you are already laying that reclaimed pipe through downtown, there's no reason to use potable water for that job. Just keep an open mind about ways that you can use that to stretch the water needs of the city and avoid what you use potable water for. Thank you.

>> Mayor Leffingwell: Thank you. One more speaker. And again

--

>> let me speak on that. Melvin wren. Speaking in reference to this particular issue. In 1996 I worked with tceq and was working over the drought management plan for the state of texas. There are many different issues one needs to look at and you also have aquifer that's in that area. I think you need to look at it from a reasonable point of view when you start talking about pumping water back to the colorado as well as when you start looking for other sources of water. I don't know if anybody has looked at the fact there is an impact related to the colony park community because you have the power lines going through the system so if you are going to decommission the plant, does that mean you are going to take those power lines away or are those power lines going to be there. I think there ought to be issues one looks at well beyond coming up with a plan that's going to service other parts of austin. You also have a p.G.A. Golf course that you are talking about. You may have a 1968 plan that was put together by harry akins and his council. What type of purpose is there going to be at decker lake or are you just going to use decker lake to pump the water out to service the rest of the city or an entertainment area, an economic impact area. I think there's a lot of issues that maybe the task force doesn't look at and you may want to look at the reconstitution of the task force to have some voice as to whether or not you are going to pump all the water out of decker. I think that you have to look at it from a holistic point of view and combine all of these issues, if we're going to be talking about on other agenda items the fact we have certain things related to colony park and the lake side community, golf course, repurpose of the expo. All of that is impacted by what you come up with in terms of water manage plans. So I think these things need to be combined in a holistic way to look at it from a

comprehensive point of view to come up with how are we going to use it today and what does it mean about the different lines going allow the community at present.

[05:20:50]

>> Mayor Leffingwell: I think that's well said, mr. Wren and certainly as staff goes through talking about implementation and how it's going to be done and when it's going to be done, certainly one of the major considerations is going to be impacts on surrounding neighborhoods and potential future plans for park areas like that. That is a park area. We have a motion with one friendly amendment and a second. Councilmember tovo.

>> Tovo: I just really want to say a big thank to you those who participated on the task force and all of the staff from the austin water utility and watershed protection who assisted them. This was an idea that was brought to us by the community after there was a resolution and also some staff indications that they were working on issues. Several members of the community came forward and said this would be really important to have some kind of community stakeholder task force relay some of the ideas the water utility is coming up with and I want to thank some of them for that suggestion. This was really a blue ribbon group. They had a very intense, very short time frame and they were able to come up with some recommendations that I think have set us forward on the path of becoming a water efficient -- more water efficient community. So I appreciate very much their work again thanks to the austin water utility and to the watershed protection staff for working together so closely on this. It is -- there is -- as has been indicated there's a lot more discussion that's going to have to happen and I trust we'll use the task force as a model of how that will happen and that the community needs to be very, very involved in these solutions and recommendations as they move forward. So thank you again.

>> Mayor Leffingwell: And I just have to say once again, I've said this before, I'm not intimidated by the prospect of charge back into lady bird lake. We currently effluent into the colorado river downstream of longhorn dam and the tceq has said that the overall quality of our discharged effluent is better than the water we take in now as drinking water from lake austin. I have to point out that there are about five different categories of pollution and our effluent discharge is better in all but one category and that would be nutrients, which is basically fertilizer. But overall superiority and that's according to tceq and I have been politi facted on that statement. Those in favor. Opposed say no. That passes on a vote of 7-0. And that takes us to item 104. Item 104 was pulled for speakers. We have several. First speaker is melvin wren.

[05:24:21]

>> And I'm speaking, this is melvin wren, personally as a member of the community, long standing member of the community. Total support of this. I want to thank councilmember cole and well as our councilmembers that have met with let's say the colony park representatives. And we would like to see this project elevated to a level whereby \$10 million can be put to it from the standpoint of the general fund. This would be historic because with the 1996 involvement of 11th and 12th street that was one of the issues that never occurred in terms of putting up funding out of the budget. I would like to see staff

assigned that will be brought out to various things, project managers work and various aspects. This is a great opportunity I think for the city to create an economic development area, businesses, homes, all these things can come together. So I think it's very important that that occurs. I think the focus has to be economic development. I think that the plan being put forward by the community working with the designers is a good plan. I think there's some things that I personally have that I feel need to be corrected in the plan. But those are things that we can get to in a later date and just as I pointed out before, there needs to be a lot of thinking about this area and not just looking at it as a waste land or looking at it as a place where there aren't really the resources being applied for as it relates to the city of austin and as it relates to the bottom line of the budget. So as I said, I'm in support of the plan. I'm in support of the fact that the group has worked hard. Hours spent through the process and the staff has dedicated their time and I think that as I looked at just like on item 40, my attitude is need to elevate the community development department, community development

-- what is it

-- neighborhood housing community development needs to report directly to the city manager. It doesn't need to have an intermediary in between. They handle millions of dollars worth of bonds. And if you are going to correct the issues of housing that exist, the only way if they report directly to the city manager and he can begin a level that his authority across all the departments, reporting to an assistant city manager is the way in which my father was a civil rights compliance officer and if you want to be inactive, all you have to do is have a department that deals with the civil rights to human rights report to somebody else. If you want to be active, need to report to the boss. This is city manager form of government. Need to report directly to you and the mayor and needs to be a line to the mayor so everybody is on board making sure that the issues that are housing as they say the population has the greatest challenge, that the housing would make it possible for them to be heard and not hurt through someone. So thank you.

[05:27:23]

>> Mayor Leffingwell: Next speaker is margarita esidero. You have three minutes.

>>> Good morning, mayor leffingwell, speaking and members of the council. I also want to thank all of you for meeting with colony park neighborhood association core team on this particular issue. I am a member and resident of colony park. As a member of the colony park neighborhood association and part of the core team as well, I do support resolution 104, but this support, however, does not come easy to me. For several decad now colony park and lake side, the northeast austin communities remain landlocked to the north with residents having to travel several miles in order to receive medical attention, buy groceries or attend to their banking needs. Transportation is problematic where those using buses to get to and from their place of employment lack consistency and destination reliability. Therefore, I would urge you to seize this moment to assist us with this project. We have suffered too long. The colony park neighborhood association core team is here to assist the council, city manager, the mayor's office with data collecting, speaking with others, directing also to help you city

-- the city departments necessary for us to get to

-- to the level where we need to go. And finally, I wanted to say political power has to be shared responsibility. Planning and development of neighborhoods and communities should never be about

business as usual where communities of color are treated as separate unequal places for the unwanted. Rather it is about the human condition and suffering that begs us to call on our moral and ethical conscience. And I would urge you again to think about how we can move forward together. Thank you.

[05:30:00]

[One moment, please, for change in captioners]

>> we are concerned that all of the low-income housing or moderate income housing is being concentrated in 2202, when actuality the grant was written for five other census tracts. But that is a concern. But we thank you for this resolution, mayor pro tem. This is a start for what we need to do to make this a successful plan. Thank you.

[05:32:10]

>> Thank you. That's all the speakers that I have signed up wishing to speak. Mayor pro tem?

>> I'll move approval.

>> Mayor leffingwell: Mayor pro tem cole moves approval, council member martinez seconds. Passes on a vote of 7-0. And I believe that takes us to item 110. 110 and that was pulled by mayor pro tem cole.

>> Cole: Thank you. This has been through a distracted driving study group but I still received several comments and concerns about it and I would simply like to request that the sponsor bring this back with a public hearing at its earliest possible date.

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: That is exactly why I passed is it passed on consent because I wanted to give that direction if we didn't on consent, but yes, we fully intend to post it as a public hearing on august the 28th when it comes back to council.

>> Cole: Thank you. Entert entert entert entert ain a motion?

>> Martinez: Move approval.

>> Mayor, I believe there's a speaker on the item.

>> Mayor leffingwell: There is a speaker. Thank you. David king.

[05:34:10]

>> I'll be brief. My name is david king and I live in zilker neighborhood and I support this problem. I want to share with you I had the opportunity to stand in front of the zilker elementary school for a couple hours one evening and right at the stop sign there in front of the zilker elementary school and I noticed the drivers going through the intersection, they were supposed to stop. And I counted at least ten drivers that drove through the stop sign without slowing down and they were looking at their phone, doing something on their phone, within that two-hour period. Thank goodness school wasn't in session at that time. But if they're not going to pay attention to it there in the school zone, at an elementary school, then we need to do more, we need to toughen it up. And I just -- are we going to wait until we have more deaths and injuries before we take stronger action? So I urge

you to move forward with this and thank you for bringing this forward.

>> Mayor leffingwell: That's all the speakers that I have. A motion on the table. Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. And now we have item 111 that was pulled for speakers. First speaker is nicole labry. Nicole? Apparently not in the chamber. Jan garcia? Jan garcia?

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Thank you. As a sponsor of this motion I want to briefly talk about why we brought this forward. We met with about 35 fashion industry folks from austin, and quite honestly I was unaware of the tremendous economic impact that this industry could have on austin. One of the things that we found was many of our designers here in austin simply can't produce their products here, so when they receive a big order, one gentleman was explaining to me he received an order for 5,000 winter coats that he designed here in austin, but he had to manufacture them in dallas because we don't have those types of facilities here. And so there really is this strong growing interest, and I think it fits with austin's culture, to create a fashion industry hub here in austin, texas, and when we look at the ancillary effects of the jobs that could be created, we thought this was something that could be a very natural fit in our economic development program. So we've asked the city manager to work with the stakeholders and our economic development department to see if

-- what we can do to further foster that industry here in austin and create those

-- those

-- not necessarily blue collar jobs. Some of these jobs are six-figure income annual salaries, but there are many technical jobs in the 50, \$60,000 range that could benefit a lot of folks in our community. I'll move approval.

[05:37:07]

>> Second.

>> Mayor leffingwell: Council member martinez moves approval, second by council member morrison. Is there any discussion? Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. That passes on a vote of 7-0. So that brings us to item no.112. One citizen signed up to speak, that's pulled by council member tovo. David king.

>> Well, I signed up because I'd like to get more information on this. The

-- I live in the zilker neighborhood and this event at zilker park is certainly important to the community, and the folks that sponsor this work closely with the neighborhood, and they

-- they pay their way for the expenses associated with that, but I'd like to get more information before, you know, I decide whether I'm for or against this. Because one of the concerns I have about charging \$3 for adult for this is I want to make sure it's done in a way that doesn't keep low-income families from being able to participate and enjoy this event. That's important to me. 3 per adult can be prohibitive to some of our people here, and they

-- they need



-- they don't need any more barriers in their way to enjoy a public park, an event like this. So I hope if we move forward with this charge, that there's some way that it can be done that doesn't discourage or inhibit our low-income families from being able to participate in this event. Thank you very much.

>> Mayor leffingwell: Could I ask, is there someone here from the trail of lights foundation that could speak on this? Give us a little more information? And david, by the way, that's weekends only that that charge applies.

>> I'm assistant director for the parks and recreation department. We have mr. James russell, who is the executive director for the foundation, and we're happy to respond to any questions.

[05:39:12]

>> Mayor leffingwell: Okay. If you could just outline it, briefly, what the proposal is.

>> Sure. So what we had proposed is a \$3 weekend charge or a weekend charge friday, saturday, sunday. One, it brings us in line with the other events in town. Two, it adds a safety measure that we really need on weekends. Our weekend crowds are extremely large, up to 60,000 people a night. What we're trying to do is push those folks through the week so encouraging people to come monday, tuesday, wednesday, not through cost but through process. So

-- but with that process there's a cost associated with it that we have to incur. So really what we're trying to do is just spread those crowds out so that we don't have any kind of big issue on a weekend. We don't have a safety problem, we don't have a shuttle issue. We've also said that folks that ride the shuttles on weekends will not pay a gate fee. So that shuttle cost includes getting in the gate. The other thing that this does is it goes a long way toward sustainability. As we know, this event is fully privately funded. We don't take any money from the city for any cost. In fact, we pay all of our costs through the city. But when this event went away in 2008-2009, it was because of recession. Being that this event is so sponsorship driven, if we go through another recession we want to ensure that there's a sustainability component to this event so that it doesn't have to go away again, and I believe we can do that through this minimal charge. All of our models have shown that that will be the case.

>> Mayor leffingwell: So kids 12 and under

--

>> 12 and under are free, as usual, and adults will be \$3. We are working

-- we would be working with our sponsors and local nonprofits to deliver blocks of weekend tickets for free throughout the community to those communities that david mentioned. So we do have a plan in place for that.

[05:41:22]

>> Mayor leffingwell: Okay, and the money

--

>> the money

--

>> mayor leffingwell: I understand it's not a large amount of money

--

>> no.

>> Mayor leffingwell: 150,000 or \$200,000, something like that

--

>> as most, and that would go towards the expenses of the event.

>> Mayor leffingwell: Basic expenses like security and

--

>> basic, absolutely. So our apd bill.

>> Mayor leffingwell: It's not for a bigger and better display?

>> No.

>> Mayor leffingwell: Okay. Council member tovo.

>> Tovo: Well, thanks very much. I'm glad you're here, mr. Russell, because I do have some questions for you. I'm loo at your numbers and I'm doing them on the fly but my numbers don't match 150,000 so I wonder if we could talk a little bit about that. You were kind enough to provide me with information about the total attendees and the total number of shuttle riders throughout the week, and so I'm looking at, for example, the week of december 8. Friday was canceled because the weather was in the 30s. On saturday we had 35,000 individuals attend. The next night, 35,000 individuals attend, so then we're up to 70,000. So already just with those 70,000, if you charge them each a \$3 admission, we're at 210,000. And that's just one of the three weeks. So I think we're

-- the number I ended up with was closer to 700,000. Of course that doesn't include the 12 and under, but your calculations that you provided me with don't include that.

>> Sure. So if you cut

-- if you cut those numbers basically in half, you have your 12 and under, right, on our weekend attendees, plus with this model we are fully expecting a lot of that crowd to move to the weekday. So we have substantially reduced our weekend numbers because they would be coming monday through thursday.

>> Tovo: So in looking at

-- in looking at the last week, the 15

-- I understand

-- I understand the point you're making about wanting to shift the numbers, but in looking at the numbers I'm not seeing

-- I'm seeing some unusual patterns. For example, the week of december 8, the crowds during the week were very clearly lower than the weekend. However, it was also in the 30s. So there were a thousand people on monday, but there were only

-- you know, it was in the 30s and it was raining. On thursday of that week it was still pretty cold, it was in the 40s, but you had 20,000 people. On saturday you had 35,000. That's not a huge differential. The next week, on sunday you had 35,000 on sunday. Throughout that week, 30,000, 30,000, 40,000, 45, 50, 50

-- so it's pretty consistent with your numbers on the weekend. So if we're doing this to balance the numbers, I'm not seeng that

-- I'm not seeing that as a very

-- you know, the last week you had just as many.

[05:44:17]

>> Sure.

>> For the most part during the week as you did on the weekends during those other weekends.

>> So

-- and maybe

-- I'll let Jason answer this, but we've gone through with P.D. And different security measures and our costs significantly go up with those higher numbers. So the second week school was out, so you see this big jump in

-- from week one to week two and the weather was a little better in the second week as well. So with that, I mean, it's visible, when you're out there at the trail, that 10,000 people makes a huge difference. It makes a huge safety difference, it makes a huge management difference as well. So our costs significantly go up when we're having to add officers each night, several officers each night to accommodate for those crowds and the safety that we have to provide.

>> Tovo: So I think

-- let me just say I appreciate

-- I've had an opportunity to talk with you about this but only very, very briefly, and I want to say I think you've done a very fine job and I'm really pleased to have the trail of lights back in our park system, but we did commit to the public, I believe, when we turned this over

-- when we decided this was not going to be a city sponsored event, that it was going to be something we got some private assistance with, I believe we made some commitments to the public about continuing to allow that to be a free

-- a free event, and it grieves me to start charging. And so I really am going to need some convincing about why we're doing this. And if it is to cover increased costs, that's one argument. If we're trying to balance out the numbers, I'm not

-- you know, I'm not sure I see

-- I'm not sure if you have the capacity, for example, to transport 30,000 people by shuttle so that each one of those could get in free.

>> I wanted to add just a little bit of context. Prior to our partner for this particular event, and I agree, it's a great thing that the event is back

-- we're talking

-- well, leading into this, when we thought as the city of Austin we were going to continue to produce this event, we knew that the event was growing at a huge number, and we had already contemplated because of the increased cost of trying to produce this event, how we might be able to offset some of the costs. Already in our fee schedule some years ago was the council-approved fee for \$5 per admitted participant, for those children who were 12 and up. What our partner is offering is not a \$5 fee but a \$3 fee. In addition to that the event is about 15 days, and we're talking about only the weekends, and you're correct, as the event progresses the popularity grows and so the numbers grow. But the intent -- even if we were running this event we had planned to figure out a way to start trying to figure out how to offset it, and we set this fee for which council did approve. I was not going to be \$5. It's going to be \$3, which is an improvement. It's not going to be every night of the week, it's just going to be the weekends. And when I asked more specifics about that, we're really talking about the 12th, 13th and

14th, the 19th, 20th and 21st, which means all of the other days will be free to the public. I think mr. Russell has given us his best projection. The reality is he doesn't know until we actually experience it, and one other phenomenon, and I think you probably can relate to this is there's something about when it gets cold and it's christmastime or the holiday season you want to get out with your family. So it's not unusual to see the numbers grow as the event progresses. However, there is still an unpredictable element to this. So really what he is proposing is almost half of what we would have proposed if we as a city staff were looking at ways to offset the cost. So it's not an every-night fee. It's only those higher weekends. It provides not a direct disincentive but it does help to encourage people to come earlier in the week rather than wait till the weekend to do so. It's going to be by trial and error is what I'm saying.

[05:48:32]

>> Mayor leffingwell: It also encourages them to ride the shuttle.

>> And it encourages them to ride the shuttle. So I'm not sure he's going to get the exact numbers he's projecting because he won't know until those evenings and he puts a calculator to it, but it is less than what we would have charged if we were doing this as a city.

>> And when were the fees passed?

>> I believe it was back in 2007. 2009.

>> Tovo: I appreciate that context because it does help

-- it does help talk about it. I think

-- it seems to me, though, that as the discussion is unfolding it is really a a cost, an issue of cost. I mean, it may have a benefit of spreading out the attendance through the week, but it is

-- it is also

-- there is also a financial gap.

>> The reason that it's palatable to us is that it still offers you the option. You don't have to go on the weekend. You can go through the week, and bring your family, get in free, enjoy the entire event at no additional

-- so single-families that have three or more children who are less than 12 years of age will still be able to get into the event. It's a balancing act.

>> Tovo: I agree, and I understand they can come earlier in the week, but, you know, school lets out, what, the 20th? So, you know, if you are a family with young children coming during the week, most

-- you know, if they're attending public school they've got to be in school at 7:45 in the morning.

Weekday night events are not ideal for some families if they're trying to get homework done, trying to get their children to bed on time, to get up in reasonable

-- reasonably good shape the next day. So, you know, as a parent of two young children we very, very rarely do weekday events. It's just not

-- it's not conducive to family harmony in the mornings on school days.

[05:50:32]

>> If council is interested in sitting with them and negotiating that a little bit more, we're

-- us sitting with them and negotiating more we're happy to do that. Again, this is less than the amount

that if the amount the city had charged would be in place.

>> Tovo: I would be happy if today we changed this wording to negotiate rather than negotiate and execute, if the sponsor would be amenable to that, and if you could go back and perhaps identify a couple, maybe one weeknight or one or two

-- excuse me, one or two weekend nights, perhaps earlier in the time

-- you know, I don't want to micromanage the process, but I wonder if you could just go back and think about it a bit and see if there are ways to address some of the concerns.

>> And I can tell you to the point that you're making is that the first Sunday

-- so it opens on a Sunday. That night would be free for everybody. So we are not charging on the opening night.

>> On the opening night.

>> Which is a weekend.

>> Tovo: And then, Mr. Russell, can you give us some sense of what you can accommodate with shuttles?

>> It all depends on our locations, our routes from those locations and the number of buses that we're running. So I can tell you that last year, for instance, we ran shuttles at a loss to OK --ac

-- to accommodate the masses that wanted to use them. On our part and on we actually lost \$40,000 running shuttles and we charged for the shuttle rides but we were willing to take that loss to get people to the event to enjoy it. I mean, this is a community service that we try to do, but we also try to at least cover our costs.

>> Tovo: Can I ask you about something you just said? So there was a charge for the shuttles last year?

>> Mm-hmm.

>> Tovo: Will there be a charge for the shuttles this year?

>> There will.

>> Tovo: So you

-- you'll get it admission free but you'll pay for the shuttle. You get free admission if you take the shuttle but you have to pay for the shuttle.

[05:52:37]

>> Correct, and shuttle -- correct me if I'm wrong, the city has always charged for shuttles so we're just kind of following their lead with that. And it is expensive. It's very expensive to contract the buses through the city and insure them and everything else.

>> The what is the charge for the shuttle?

>> It's

-- jeez, I hate to make something up. But it's

-- it's over \$100 an hour per shuttle.

>> Tovo: I'm sorry, the charges you're passing along to the passengers. [Laughter]

>> Oh, we're charging them

-- \$3 is what we charged last year, and lap kids did not pay.

>> Tovo: Again, I think there's a little more to be discussed here, and I would just request to the sponsor that they consider adjusting the language in the motion to negotiate.

>> Mayor leffingwell: Let me ask one more question. What I kind of  
-- one of the maybe unintended but good consequences of this is what, what I've seen over the last couple years with this very successful event is on the weekends huge traffic jams stretching back to mopac, and a lot of these actually impact the neighborhoods. So every little thing that we can do to reduce the impact on the neighborhoods as well is going to be an overall benefit. So  
-- and I know  
-- it's approaching, and you need to get in your budget planning stage so I'm a little bit reluctant to put it off entirely. What I would  
-- what I would like to see if we can go ahead and get this done with the provision that the opening night, regardless of whether it's on a weekend or not, would be free of charge.  
>> Yeah.  
>> Mayor leffingwell: So with that I'll entertain a motion. Council member martinez moves approval. I will second. Is there any further discussion? And reiterating that that would be excluding opening night, no charge on that.

[05:54:42]

>> There will not be a charge on opening night.  
>> Mayor leffingwell: Okay. Is there any further discussion? All in favor say aye.  
>> Aye.  
>> Mayor leffingwell: Aye. Opposed say no.  
>> No.  
>> Mayor leffingwell: Passes on a vote of 6-1 with council member tovo voting no. We are through the consent agenda. We have one nonconsent item that could be heard, but we're approximately 12 noon, if we're very liberal with the word "approximately." We'll see if some folks who are here who wanted to speak in citizens communication, and we'll  
-- if you're not here we'll certainly come back to you. Maricella garcia puc amao. Are you here?  
>> I'm coming.  
>> She's coming.  
>> Mayor leffingwell: Let's go to the next speaker. Is stewart hersh here? Go ahead, stuart, you have three minutes. Topic is code compliance.  
>> Thank you mayor, and members of the council. My name is stuart harry hersh and like most in austin I rent, and I don't understand why budget costs are calculated from the average of the \$196,000 homeowner when the latest housing study shows that 55% of us rent and pay for fees for code compliance and other city expenses that used to come from property tax revenue in the general fund. In the past few budget years and during last year's rental registration discussions, I demonstrated a code compliance in 1998 had six housing inspectors and three zoning reporting to a middle manager who managed the  
-- code compliance inspectors were expected to have 90% of complaints either in compliance, in process of coming into compliance or on the building and standards commission for penalties. You unanimously passed 20130001-100 with a code initiative for creating more bsc panels and expedited permits to possibly restore the former permits from last century. If the code compliance department hasn't found a

way to schedule public hearings with proper notice so that proposed code amendments could be considered by the council or codes and commissions, I ask that you set these council hearings after budget adoption. The second major code compliance issue we face relates to the recent notices to owners of flood damaged properties, that they will have to elevate the foundations on their homes if they're not part of a buyout. To pig pick a house off slab, place it properly on a newly engineered foundation at a higher elevation I would suggest can't be accomplished for less than \$100,000 a house, so if a flooded owner cannot raise this kind of money and can't access city assistance, since there's no budget for this, the owner faces code enforcement action after november 1, 2015, unless they're part of the buyout. I ask that you find a way to get federal agencies and city code officials to agree that it is not required to repair a flood damaged home unless there's damage to the structural walls or the foundation. We found a way to accomplish this in all floods since memorial day 1981 but efforts to achieve this in understanding union creek since last november haven't proved successful. A possibly amendment may be in order. I want to thank all the city staff that I had an opportunity to work with on this. We were meeting right up until an hour before this meeting on the flood issues and the creek -- in the creek area. This is a very serious thing for people who were traumatized first by the floods, and secondly trying to figure out what regulations they have to comply with. So any assistance on your part would be greatly appreciated.

[05:59:16]

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: Stuart, why were we successful in all floods starting the memorial day '81 and we're not successful here?

>> We used to either have a code or have an interpretation of the code that said that when there wasn't structural repairs all the other repair work, such as replacing the foundation -- such as replacing the sheetrock and the insulation and the air-conditioning equipment was all exempt from the 50% calculation. So when you do it that way and it was totally acceptable to the federal agencies, then a very small universe of folks end up with substantial damage letters. We haven't found a path to get there with this flood and I hope we can.

>> Spelman: Because we are interpreting our code differently than we used to?

>> Yes, sir, and we wrote it differently than we used to.

>> I see. So we may need to write it back the way it was before if we liked the interpretation before?

>> Yes, sir, that may be part of the solution, yes, sir.

>> Spelman: Thanks.

>> Thank you.

>> Mayor leffingwell: So is marisela garcia carcamo, are you here now? Okay. You have three minutes.

>> Good afternoon, my name is marisela garcia carcamo. I'm a triage nurse at austin regional clinic. During my six-year journey from a ged to a associates degree capital provided the guidance and financial assistance that made school possible. I'm here today to share about my experience and confirm what you already know, that your support of capital idea is breaking cycles and changing lives. Growing up my life was unstable. My parents struggled with substance abuse which led to periods of homelessness for

our family. We would often stay in shelters with our relatives and my education was inconsistent. I had trouble communicating with others, and also struggled with low self-esteem. I dropped out of high school when I became a teen parent. My husband and I worked as telemarketers and rebuild on wic to provide our basic needs. After two of my children our financial struggles got worse and we were swamped with overdue bills. I continued to make minimum wage. I wanted something better but had no idea how toing cha the path we were on. Finally I called 211 and asked about programs that could help me with school and child care. When the rep told me about capital idea I jumped at the opportunity and got accepted. Capital idea staff and students became a family to me, sticking by me through the struggles. My fourth child came along and just before I started a semester of extremely demanding courses that required hours of studying and group projects, my attention divided between schoolwork and caring for a newborn and I ended up failing one of my classes. I was exhausted and my confidence was shaken. I thought about quitting and my career navigator maria assured me I could make it and she was right. So this summer I graduated with my associate's agree in nursing from austin community college. I was already working at arc but that day I became an rn they paid me over \$25 an hour now. So I love my job and I'm excited about the opportunities I have to keep growing in my career. Before capital idea we struggle with debt and had zero emergency savings. Today our savings account is filling up. It's no longer just for emergencies. It's also for fun stuff, school activities and maybe buying a house. My family has a bright future behalf your support of capital idea. Thank you.

[06:02:45]

[Applause]

>> thank you.

>> Thank you.

>> Mayor leffingwell: Next speaker will be allen roddy and while allen is coming up I want to recognize our host here today and for the next couple months judge sam biscoe. Thank you, judge. [Applause]

>> good afternoon, I'll alan ruddy. Highly

-- roddy. I'm here to correct a misunderstanding about the 50-foot no wake zone the austin task force suggested to the city council. The reason I suggested the task force adopt the 50-foot no wake zone is because I saw a boat hit a paddle boarder a couple years ago. She was only 50 feet from the shore when he hit her. The boat was oblivious and went around her and didn't notice the first paddleboater he passed in front of the other patle boarder, an ordinance restricts swimming to within 50 2350e9 of the shoreline, establishing a 50-foot no wake zone from the shoreline was recommended by the task force and included in a city council resolution as a method of improving the safety of the public by providing a calmer area 50 feet of the shoreline for kayaking and patledz boarding, swimming. This doesn't prohibit them from 50 feet. It just means the motor boats have to slow down and not make awake near the shoreline. Resolution 20130829-078 clearly stated the 50-foot no wake zone was for the public health and safety. In the april 9 letter from mr. Mcdonald he stated the city didn't have the authority to pass the ordinance for environmental reasons. For some reason city staff felt the 50 feet zone was to protect the shoreline. It doesn't matter if the boat wakes are create indeed the middle of the lake or closer to the show shore, they'll hit the shore with the same amount of force. The 50-foot zone was recommended to make it safer for all users and to complement ordinance 8-5-46. I contacted the lcra



about their no wake zone regulation, which states, no person may operate a motorized watercraft on the highland lakes at a speed greater than the minimum speed necessary to maintain steerage way and headway 50 feet of shoreline, swimmers or restricted areas. The electric ra also stated this rule is never -- l cra stated it's enforceable without buoys and markers. Lake austin is the only lake that doesn't have a similar no wake rule. One of the problems with the austin task force is only 6 of the 17 members actually lived on lake austin. Less than half of the 17 members owned a boat or had boating experience. Of all the task force recommendations, the no wake zone rule is the only change that actually deals with the wake and public safety. All the other changes had to do with the land development code and city hall paper paperwork, along with the increase in the central texas population there has been an in this of boat traffic on the lake. Because the lake travis boat ramps are closed we have more boats from that lake coming to lake austin. Over the years the city has talked about the recreational use of lake austin, but lake austin is not a swimming pool everybody it's not a splash pad, it's not the schitterbahn. A weekend on lake austin is not or should not be the same as spring break at port aransas. Unfortunately too many visitors believe everything goes and to hell with everybody else if they're having fun. Because of the lack of lake patrol resources chaos rules in the summer.

[06:06:24]

>> Thank you, allen, I believe your time has expired. Do we have a ringer? Thank you. Council member tovo.

>> Tovo: I want to say, mr. Roddy, thank you for your continued focus on this issue and I wanted to let you know, and you probably know this already, my office has been working with legal staff on this issue, and, in fact, has another meeting scheduled next week. So we're continuing to keep this in our sights.

>> Thank you.

>> Tovo: Thank you.

>> Mayor leffingwell: Next speaker is reverend fred krebs who will be speaking on living wage careers for the working poor.

>> Hello, mayor, and city council. My name is fred krebs. I'm pastor of prince of peace lutheran church and leader with austin interfaith. A few minutes ago you heard capital idea graduate ms. Garcia share her personal story. I am also a board member of capital idea. We thank you for the city's investment in marisela, capital idea graduate and the many other graduates and students of capital idea. To date the city has through capital idea helped more than 1,100 working poor residents earn the education needed to obtain living-wage careers. Your investment is not only an important work of justice and opportunity but of economics self-interest and development for the city. As we reported before, the university of texas found the taxpayers earn a 501% rate of return over 20 years through the decreased public assistance costs and the increased tax revenue of capital idea graduates. That's equivalent of an annual 17% rate of return on their investment. We're excited about a new opportunity for our current and future students. In just two weeks classes will begin at acc's new highland campus in the renovated jc penney's store. Low income and first generation adult college students will have all the necessary supports under one roof to prepare for new careers. Capital idea staff will work side by side with acc staff. We will relocate the college prep academy to the first floor where students will be able to upgrade their math, reading and writing to college levels. Then the students will simply walk upstairs to their

prerequisite courses where acc has built all the necessary lab facilities and classrooms. And in a few years many could even walk down the hall to a job at the new rackspace facility. Thank you again for the city's founding investment

-- funding investment in capital idea 15 years ago. And for your continuing investment. Over the next several months we look forward to discussing how we can realize the full potential of this new opportunity. Thank you.

[06:09:25]

[Applause]

>> thank you. Thank you, reverend, michelle adamolekun.

>> Good afternoon, my name is michelle adamolekun and I am an hr director with the seton health care family. R and a capital idea board member. I'd like to thank you for your support of capital idea and I'd also like to thank you for your continued investment within the workforce development initiatives here in austin, texas that supports our austin citizens. The partnership of business leaders and community that basically founded capital idea, it's truly what allows us to be flexible and adapt to the market and to ensure that we're able to stay attuned to the needs of the community we serve. As a seton representative I'm proud to say that we've hired over 150 capital idea graduates since its inception. Capital idea continues to be a critical source for us for competent, highly motivated, diverse and compassionate employees. Ultimately with the medical school and the new teaching hospital that's going to be on the horizontal here for austin, texas, providing skills professionals in austin will continue to grow. To support the growth capital idea has been working with austin community college, arrow and local employers to create a public/private and nonprofit imp initiative that will allow the organization to fast track. Students and citizens in austin, texas that are truly needing education, the necessary education to get high-skilled, high-paying careers within our area. As capital idea continues to implement more innovative solutions like this to better serve our community and to better reach citizens in our community, the city is going to truly be an essential partner to support us in that effort. Thank you.

[06:11:34]

[Applause]

>> cole: Thank you. Jeremy wiseman? Jeremy wiseman?

>> Thank you, mayor, and council members. My name is jeremy wiseman. I'm a family practitioner at wiseman family practice. The topic I want to discuss is fluoridation of water and I know this topic and potential health effects have been discussed in the past but I want to cover a few other issues of concern to me. We first need to establish that fluoride is a drug. The definition of a drug is a substance intended for the use and diagnosis, cure, mitigation, treatment and/or prevention of disease. In this case of course it's the prevention of dental caries. There are many bed rocks of medicine these days but two of the big ones in my opinion would be informed consent of medical treatment and dosage treatments. Informed consent is the consent of imhed treatments given by a patient, after -- that's the key word, after the potential risks, hazards and benefits of treatments have been explained.

Now, this principle has been completely ignored with the fluoridation of our public water in an attempt to improve public health, and I believe it needs to be reconsidered. The second issue is dosage control, and presently fluoride is added to water at about .7 to 1.2 parts per million, depends in the nation where you live, and so this means everyone from infants to adults get the same concentration. Now, depending on how much water a person drinks this dosage is highly variable, especially for infants who have a

-- who bottle feed on a water-based diet. If we can't consider taking fluoride out of our public water supply, which I believe is the ultimate solution, then I propose we have some sort of labeling or education for parents about the potential dangers of dosing in infants and children. I want to emphasize that I'm not actually against fluoride. I actually believe topical fluoride has its place in toothpaste, for example, and I believe that there's dental benefits for doing this, but the systemic absorption of water fluoride through our water supply is a different issue, and I think one one that has proven and potential health side effects that I think are unnecessary and dangerous to public health. Thank you four time.

[06:14:04]

>> Cole: Thank you, jeremy. Paul robbins? Paul robbins? Oh, there you are.

>> I have evidence that I wish to hand out. They're winded from a quick walk here. Council, I'm paul robbins, I'm a environmental advocate and consumer activist, or something like that. I want to shed light on a few statistics here today about an attempt by advocates of low income energy assistance to take money away fr programs that prevent global warming. Since 1982 austin has operated clean energy programs that stop energy use at less cost than a new power plant. This year these programs will prevent about 1.2 million tons of carbon dioxide emissions. One of several proposals in the draft generation task force plan would have considerable money diverted to programs that serve low and moderate income customers. Most of these homes save very little energy because they use very little energy and are expensive to retrofit because they need structural repairs. This is really more a social program than an energy-saving program. The gen force report stated that 10% of demand should be saved from these customers. There are three problems with this idea. First, it assumes that no low or moderate income customers are using the utility's conventional incentive programs. There is no evidence to support that assumption. Second, taking the proposal at face value, I ran the numbers to see how much extra money would be needed in a worst case situation to meet the 2013 energy savings benchmark, and still pay for expensive free weatherization, and here are the calculations that I've handed out along with documentation as to where I got the numbers from. It would take an extra \$40 million a year. This would cost every austin energy residential cuss

-- customer about \$105 a year, which amounts to roughly 9%

-- a 9% bill increase. This would raise the budget for energy efficiency by 156

-- excuse me, by 150%. And third, austin energy already charges \$24 for each residential customer annually for assistance to low and moderate income ratepayers. 43% of its discretionary residential community benefits charges this year will be used to help the poor. Do you really want to cross the line and start cannibalizing environmental programs to fund social programs? Because that is very likely what will happen.

[06:17:35]

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>> cole: The beeper is not working. Why don't you finish your last sentence or thought and then that will be it.

>> My last thought, this is just one of a number of problems with the gen force plan. It's got good people on it. I got good ideas in it but it is not ready for prime time. It needs 2 to 6 more months of work. Thank you.

>> Cole: Thank you, paul. [Applause] clark hirschkind? Clark hirschkind?

-- Or, claire, hirschkind. Claire hirschkind? Pill king ton

>> my name is claire hirschkind, members of the city council. I'm addressing you today about a city ordinance amending chapter 10-6 of the city code, smoking in public places, by prohibiting smoking in public parks and providing a penalty up to \$2,000 for each offense. Let's make this perfectly clear. It is a seamless demeanor to smoke a cigarette in our city parks. Anyone cited or arrested for smoking a cigarette would have the same record as a thief or a destructive high high school hooligan, they would most certainly lose their job and would find it difficult to find a job with this police record. All of this for smoking a cigarette. Within this ordinance three of the four findings upon which it's based refer to the habits posed by cigarette butts in our parks. Smoking areas are a more efficient answer to this problem, monetarily for our citizens and city tourism. Smoking areas with ash trays would localize the cigarette butts making them easier to clean up. It would also solve the secondhand smoke problem, signs clearly designating where people can or cannot smoke should be as prominent as any other sign. I know this isn't a popular subject, so I'll explain it in terms we all understand. Tax dollars. Specifically those earned from the tobacco products in this state. In the last fiscal year texas earned 1.47 billion tax dollars from voting tax paying tobacco users alone and received 157 million in tax dollars from a suit settled with the tobacco companies in 1998. I'm not defending smoking, but I would like to say this. South texas tax paying voters who smoke deserve to enjoy the parks they've paid for with their tax dollars. Like anyone else without the fear of getting a serious criminal record. Besides, 2,337,000,000 in tax dollars per year from a single segment of our society is not to be scoffed at. Compare the cost of smoking areas to incarcerating the unemployed. Thank you. I'm open for questions.

[06:21:13]

>> Mayor leffingwell: Thank you. Next speaker is francine pilkinton. Is francine here? Topic is contracts with wildlife services.

>> Good afternoon. I'm just here to put a bug in your ear this afternoon about a joint contract that's scheduled for renewal by september 30 between the city of austin, wildlife services and travis county. I know that travis county does not report to austin city council, but I urge you to postpone or decline the renewal of the city contract until the language of the county contract is renewed and amended for consistency of language with the city's contract with wildlife services. I wanted to cite language in the county contract that's inconsistent with the language of the city contract, but the county didn't provide it

-- a copy of their contract until this morning so that will have to wait until either next thursday or the

following thursday. In the meantime, the center for biological diversity scientists is currently targeting wildlife services for reform. They say a little known unit of the usda known as wildlife services is secretive for a reason. Its actions are unacceptable and'ingly blawtly brutal to animals. Since 2000 wildlife services has spent a million dollars to kill a million predators across the nation. The excessive killing continues unchecked despite extensive peer reviewed science, showing that reckless destruction of native predators leads to broad ecological devastation. The natural resources defense council and defenders for wildlife have begun similar reform campaigns as well against wildlife services. Back in 2000, however, marin county canceled its contract with wildlife services and implemented a nonlethal predator control program. As a result, marin county has seen a 62% decrease in livestock [inaudible] at one-third of the former cost. In 2013 sonoma county board of supervisors opted not to renew the county's contract with wildlife services and is now conducting a review of its wildlife policies. And last month in july of 2014, humboldt county board of supervisors split their contract re -- put their contract on hold with wildlife services on hold, as I urge you to do. There's no place for the irresponsibility in either the city of austin or travis county. Please do not renew wildlife services' contract without travis county's compliance with the city's portion of the contract. Please insist they comply. Please remember who we are. Thank you.

[06:24:11]

[Applause] >>ayor leffingwell: Krista clark. Is krista here? Krista is apparently not here, so that concludes our list of speakers for today on citizens communication. And one more housekeeping item. The only other item that we can address now in the morning agenda would be item 128. That is related to item 178. Without objection I would suggest that we hear item 128 at the same time as 178, which will be after 4:00 p.M. So with that the city council will go into cloafd session to take up two items, pursuant to section 551.071 of the government code, council will consult with legal council regarding the following items. Items 132, issues related to the november 2014 election, item 133, legal issues related to bradley and others versus officer eric copeland. Items 130, 131 and 134 are withdrawn. Without objection the council will now go into executive session. Paddle board paddle boarder paddle boarders mayor sella marcella marisela

[06:33:50]

>> Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues

-- could I have your attention, please? We're out of closed session. In closed session we took up and discussed legal issues related to items 132 and 133. So we're going to take up item 17 shortly, but first we're going to go through our consent zoning items.

[08:45:52]

>> Thank you, mayor and council. Greg guernsey, developing development and review department. I'll go through the 2:00 zoning ordinance and restrictive covenant items that we can offer for consent under

the public hearings have been closed. First I'd like to offer item 135, crown 2014-008, this is for second and third readings for rezoning the property at 209 and a half west second street to zone the property to general commercial services mixed use conditional overlay combined district zoning with conditions. The next case I'd offer is item 136, case c-14-2009-009 for the property at 209 west 27th street to zone the property to general commercial services mixed use conditional overlay combined district zoning with conditions. Item 137 is case c-14-2014-0025 for the property located at 2117 and 2119 northland drive. This is to zone the property as a community commercial mixed use conditional overlay combined district zoning for tract 1 and neighborhood office mixed use conditional overlay combined district zoning for tract 2. I'd like to note that applicant and the neighborhood has shown in your backup have agreed to 12 additional land uses that would be incorporated into the conditional overlay as prohibited and that's on the front page. Mayor, I can read those into the record very quickly. Bed and breakfast, residential group two. Food prep, food sales, general retail sales convenience, medical offices not exceeding 5,000 square feet of floor area, medical offices exceeding 5,000 square feet of floor area, pet services, restaurant general restaurant limited, historic and urban farm. Item number 138 is case c-14-2014-0029 for the property at 2121 northland drive to zone the property from neighborhood commercial mixed use conditional overlay combining district zoning as amended. Item number 39 is case c-14-2014-0030. Sh for the property located at 13635 rutledge spur. This is to zone the property to multi-family residence moderate high density conditional overlay combining district zoning and it is ready also for consent approval on second and third readings. Under your 2:00 neighborhood planning and zoning items where the public hearings are open, first item I'd offer for consent is item number 140, case npa 2014-0019.0 one for the property at 710 east 41st street. This is an amendment to the central austin combined neighborhood plan to change the land use designation on the flum to a higher density single-family land use. The planning commission was to grant the higher density single-family land use and this is ready for consent approval on all three readings. Item number 141 is case drown-20140063 for the property located at # 10 east 41st street. This is to zone the property as townhouse condominium residence conditional overlay neighborhood plan. The planning commission's recommendation was to grant the sf-6z-co-np combined district zoning and this is ready for consent approval on all three readings. Item number 142 is case c-14--2013-0118. The staff is requesting a appropriate of this item for your august 28th meeting. Item number 143 is case c-14-2013-0158 for the property located at 619 congress avenue. We have an adjoining property owner that has requested a postponement and the applicant is in agreement. This would also address a notice issue to the 28th. Both the parties have agreed that they would agree to the postponement of the 28th, but they would ask that this be a 2:00 item or the first item after your executive session, which is a little different, but then all the parties would agree. Item number 144

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[08:50:32]

>> Leffingwell: I understand the request, but we can't make that promise.

>> Item number 144 is case c-14-2014-0027. This is for the property located at 6308 spicewood springs road to zone the property to general commercial services mixed use combining district zoning for tract one. The staff is requesting a postponement of this item to your october 23rd agenda. Item number 145

is case c-14-2014-0037 for the property located at 801 west wells branch parkway. Staff is requesting a postponement of this item to your september 25th agenda. Item number 146 is case c-14-14-0038 for the property located at 801 west wells branch parkway. This is to zone the property to single-family residence small lot combined district zoning for tract 1 and rural residence or rr district zoning for tract 2. The zoning and platting commission's recommendation was to grant single-family residence small lot conditional overlay combining district zoning for tract 1 and rural residence conditional overlay combined district zoning for tract two. This is ready for consent approval on first reading only. Item number 147 is case c-14-14-0045 for the property located at 4501 and 4503 manchaca road to zone the property to neighborhood commercial vertical mixed use combined district zoning. The planning commission's recommendation was to grant the neighborhood commercial vertical mixed use building combined district zoning with conditions and this is ready for consent approval on first reading only. Item number 148 is case c-14-2014-0047 for the property located at 4920 spicewood springs road. We have the spicewood vista homeowners association has made a request for a postponement to your next meeting of august 28th. This would be a neighborhood organization second request, but the applicant has agreed to the postponement of this other organization until the 28th so I can offer that as a consent postponement on item number 148 to your august 28th agenda. That's a postponement on 148 to august 28th. Item number 149 is case c-14-2014-0052 for various properties on cooper lane. This will be a discussion item. I believe you have one speaker signed up to address this item. Item number 150 is case c-14-2014-0060 for the property at 2206 and 2210 webberville road. This item has been withdrawn. No action is required by the council. Item number 151 is case c-14-2014-0070 for the property located at 2309 montopolis drive. And 6500 carson ridge. To zone the property to urban family residence conditional overlay neighborhood plan combined district zoning. The planning commission's recommendation was to grant urban family residence conditional overlay neighborhood plan combining district zoning. The applicant and the surrounding neighbors have agreed to limit the property to no more than nine units on the property, and with that additional condition we could offer this for consent approval on first reading only. That's item 151. Item number 152 is case c-14-2014-0076 for the property at 1403 marshall lane. This is to zone the property to urban family residence neighborhood plan combining district zoning. The planning commission recommendation was to grant the sf-5-np combined district zoning and this is ready for consent approval on all three readings. Item number 153 is case c-14-2014-0077, the property located at 10,801 old san antonio road to zone the property to neighborhood commercial mixed use combining district zoning. The zoning and platting commission's recommendation was to grant limited office mixed use conditional overlay combining district zoning. And this is ready for consent approval on first reading only. Item number 154 is case c-14-20140082 for the property at 11 # hundred buckner road. This is to zone the property to community commercial mixed use combined district zoning for tract 1 and townhouse and condominium residence district zoning for tract two. The zoning and platting commission's recommendation was to grant general commercial services or conditional overlay or cs zoning. This zoning for the property. And this is ready for consent approval on first reading only. Item number 155 is case c-14-2014-0084 for the property located at 6804 old bee caves road. This is to zone the property to general office conditional overlay neighborhood plan combined district zoning. The planning commission's recommendation was to grant the go-co combined district zoning and this is ready for consent approval on all three readings. Item number 156 is case c-14-2014-0087 for the property located at 2103 west slaughter lane. The applicant would like to speak to

council regarding this item to consider an additional change so this will be a discussion item. Item number 57 is pro the property located at 15 on 07 airport commerce drive. Staff is requesting a postponement of this item on your august 28th agenda. Item number 158 is case c-14--2014-0094. This is to rezone the property located at 11205 limoncillo court. This is to zone the property to single-family residence standard lot district zoning. The zoning and platting commission's recommendation was to grant is single-family residence standard lot district zoning and this is offered for consent approval on all three readings. Item number 159 is case 2010-2014, 0095 for the property located at 11835 jollyville road. We have a request

-- staff is requesting a postponement of this item to your september 28th agenda or applicant is requesting a postponement of this item to your september 25th agenda. Item number 160 is case c-14-2014-0102 for the property located at 1714 and 1724 east parmer lane. This is to zone the property general commercial services district zoning. The zoning and platting commission's recommendation was to grant general commercial services conditional overlay combined district zoning. This is ready for consent approval on all three readings. Item number 161 is case c-14--92-0150 rct for the property located at 12151 north i-35 service road northbound. This is a restrictive covenant termination and the zoning and platting commission's recommendation was to grant the restrictive covenant termination. Item number 162 is case c-14--93-0134 rct for the property locate the at 1088 park plaza. This is again another restrictive covenant termination. The planning commission's recommendation was to grant the termination of the restrictive covenant. Item number 163 is case c 814-89-006.05 for the property located at 8110 fm 2222 road. Staff is requesting a postponement of this item to your august 28th agenda. And then finally item number 164, c 814-on 06-0106.02, we have one citizen that has signed up in opposition that would like to address the council so this would be a discussion item. Throws are what I can offer for consent for zoning.

[08:58:59]

>> So our consent agenda for the zoning items is to approve on second and third readings items 135, 136, 137 with conditions, 138 and 139. To close the public hearing and approve on all three readings items 140 and 141. To postpone item 142 until august 28th. To postpone item 143 to august 28th. Postpone item 144 to OCTOBER 23rd. Postpone item 145 until september 25th. Close the public hearing and approve on first reading only items 146 and 147. To postpone 148 to august 28th. To -- noting that item 150 is withdrawn. To close the public hearing and approve item 151 on first reading only, that's with conditions: To close the public hearing and approve on all three readings item 152. To close the public hearing and approve on first riding only items 153 and 154. To close the public hearing and approve on all three readings item 155. To postpone item 157 until august 28th. To close the public hearing and approve item 158. 158 until -- excuse me. Item 158 to close the public hearing and approve on all three readings. To postpone item 159 until september 25th. To close the public hearing and approve of item 160 on all three readings. To approve items 160 and one 62. To postpone item 163 until august 28th. I'll entertain a motion to approve the consent agenda. Councilmember spelman moves approval, councilmember martinez seconds. You have the floor.



[09:01:03]

>> Martinez: What was the disposition on 156?

>> Let me see.

>> A discussion item.

>> Martinez: Thanks.

>> Mayor Leffingwell: Right, discussion. Councilmember morrison?

>> Morrison: I'd like to be shown as voting no on 138.

>> Leffingwell: The clerk will show councilmember morrison voting no on item 148.

>> Tovo: I would also like the record to reflect my vote of no on 138. I have changed my position on 137.

>> Mayor Leffingwell: And also show councilmember tovo voting no on 138. So we have a motion and a second to approve the consent agenda. Any further discussions? Councilmember riley.

>> Riley: One question on 148, the postponement date on that?

>> Mayor Leffingwell: Hold on just a second. Is postponed until august 28th.

>> Riley: I thought there was an earlier discussion about september 25th on that?

>> Mayor Leffingwell: There was.

>> Riley: Why did we end up with august 28th?

>> The applicant is in agreement to allow a second postponement by a neighborhood organization. I think you would have discussion if you would like about for the 25th, but the parties have agreed since this is

-- this has been postponed by a different neighborhood association that you postpone from last june to today. This would be another two months. The applicant said if you

-- if you have agreement to postpone one more month or toward the end of this month they would agree to let it go consent and the neighborhood would go home, the applicant go home and they would come back on the 28th rather than a possibility of going to the 25th.

>> Mayor Leffingwell: So basically everybody wants it on the 28th.

>> That's correct.

>> Mayor Leffingwell: Those in favor say aye? Opposed say no. It passes on a vote of seven to zero. Now we'll go to item number 17. Do we have

-- we have a number of speakers signed up and do we have any presentation by staff or questions of staff before we begin?

[09:03:20]

>> Nope? Okay. We'll go right to our speakers. Roger baker signed up neutral.

>> I just wrote an article in the proposed mobility bonds in the metro section of the rag blog. It's a long piece that gets into the politics and it's titled is austin's strategic mobility plan smart planning or a billion dollar boondoggle? Here are four considerations to keep in mind when you decide what to put on the ballot for the voters in november. Number one, a billion in bonds would cripple the funding ability of future councils for about a decade by issuing the maximum possible amount of austin property tax debt just before a new council with its own funding priorities takes office. Why should this council have the right to tie the hands of the next council and the one after that? Two, the basis for the proposed bonds

is the austin strategic mobility plan, however, there is no mobility strategic to be found anywhere. The only strategic seems to be the political strategic to bundle roads with rail is a vote sweetener to try to get unpopular rail bonds passed. Number three, the 400 million in roads would largely help the rail plus build a string of new overpasses to widen i-35 by two lanes. There will be no congestion relief because you can't reduce the traffic congestion by building roads while 110 people and 70 cars are moving into the austin area each day. Number 4, the 600 million for rail bonds is being tied to fta new starts matching money three years from now by reca demand, that's the real estate council of austin. But why should voters let a bunch of private builders and developers like reca dictate austin's bond language and austin's property tax funding priorities? If there were ever a shaky funding source, it's probably future federal rail funding from a dysfunctional congress. That means the proposed bond language will probably actually set back rail while greatly favoring roads. So I think this is people power versus money power and I see a lot of money going into promoting these bonds, so I hope you'll take all these points into consideration and let's see what happens. I'll be happy to answer any questions.

[09:06:43]

>> Next speaker is brad parsons and it's inaccurate to say we are using all of the city's bond capacity with this proposal. Brad parsons.

>> It's been brought to my attention the ag's actions in july and august and it informs what is actually the content of this ordinance and the proposition that would go on the ballot. And I'm led to believe that the ag's position was that the doctrine november dual proposition that too clearly discordant items should not be a part of one proposition on the ballot and the city has some disagreement disagreement with that, but that there was an agreement that the ag would not contest this further because the city would form the language with

-- would stipulate the language, particularly in this ordinance, such that no bonding obligation would actually exist for roads. And so that the question legally is really just about bonding and funding for the rail. I ask the watchers of channel six and the voters to not look just at the simple language on the proposition of the ballot, but also look at the other six pages of this ordinance. In particular part 6-b, and I'll read just one section here. That clarifies what I just said. That the roads and the costs of such projects may be counted towards the funding requirement contemplated by the proposition and this part 6-b, provided however that the costs of the central corridor urban rail lpa shall not be counted towards the funding requirement, that is if it is defeated on the ballot, for roadway improvements. That is one of the stipulations in this ordinance voters need to read to understand that the city believes it's fashioned legal language here where it meets the ag's requirement that they're not too clearly discordant items on the ballot. There's really only one effective legal item on the ballot, voting for rail. And also this maintains the city's plan for this, which would

-- again, it's in the language of part 6 here. That you all believe that even if this item fails on the ballot, this proposition, that you can still pursue the 400 million in funding certificate of obligations for the roads. You've been led to believe that. And so if that is the case, then I call upon the voters to vote this down so you put this on the ballot and test that belief that you have behind closed doors that this could be voted down and you can still fund the roads 400 million anyway. Thank you.

[09:09:42]

>> David king, also signed up against.

>> My name is david king and I live in the zilker neighborhood and here's the resolution, seven pages long. I've read through it and I can't really understand. I can't make heads nor tails about what would I be voting for once it's on the ballot. Six hundred million dollars for the urban rail and am I really on this, voting for four hundred million dollars for roads or not? I think regular folks just need plain language that we can understand. Otherwise it looks like smoke and mirrors to us. And I hope that's not what's happening. But that's what it looks like. I think it would be good to have plain language that we can understand. It's complicated. And I just would like to ask that we make it simple and clear what is going to be on the ballot. Are we going to have an item that says check this box yes if you want to spend \$600 million for urban rail and another box that says check this box if you want to spend \$400 million on roads? Why can't we have something that simple for voters to understand? Why does it have to look like smoke and mirrors? That's what it looks like to me. That's the way we'll write it because the ag will sign off on it. Even still even if they vote it down we can still go ahead and spend four hundred million dollars for roads out of certificates for obligation without voter approval and I would tell you that if you do that, if you spend \$400 million of taxpayer money without voter approval, there will be a revolt. What kind of representation would that be for you to take that kind of action? I think you should have respect for the voters and this county and this city. Provide plain language so we know what we're voting on. And to do right by us. Thank you.

[09:11:51]

>> Mayor Leffingwell: Next speaker is jim skaggs. Signed up against.

>> Thank you, mayor. I'm going to read this because of short time. I believe that urban rail would be the worst decision in austin's history with the most negative impacts for the community and its citizens. The city of austin is irresponsible responsible in manipulating voters with a poorly worded ordinance and using several hundred tax dollars to finance radio, tv and print media ads designed to manipulate voters with distorted, misleading and false information. The city has not answered the mayor's 30 rail questions from more than three years ago when he said answers are needed before proceeding. The city has not revealed the long-term rail plan based on their comments. This is only the initial investment and there's much more to come. Quote, citizens do not know how this rail is proposed to be totally funded. There are only smoke and mirror descriptions of what is many billions of dollars in tax money requiring continuing tax increases. There are no firm plan for funding operating costs, which is not known

-- which are not known and will clearly be greater than demonstrated in the city reports. The results and increasing unaffordability will disproportionately burden lower income citizens with tax increases, reduce transit service and higher fares. As opposed to contrary promises the city is just revealing plans to spend a significant bond dollars for rail prior to receiving a firm matching grant commitment from the federal transportation

-- transit authority. We need mobility improvement and this outdated train is not the answer. Greater mobility provides greater quality of life. 99% of every daily trip in this region are on the roads and we

share private car pools, commercial products and services, emergency school and government vehicles. More than six million trips a day. This is the most cost effective use of expensive infrastructure. Trains are one of the highest costs and most ineffective transportation modes three road improvements, 290, 183, mopac, provide dramatic improvements next year when mopac opens, for over 500,000 people a day traveling. The city says the train will attract 3,250 new daily riders to transit making 6,500 trips per day. The total cost of these three roads and the train are approximately the same in today's dollars. So what would you rather have, 500,000 people being served or 6,500? It costs almost \$500,000 to attract each new train rider. With new transit riders the train provides insignificant with few transit riders, the train provides insignificant congestion relief while creating more congestion by using vehicle lanes, forcing all vehicles from 35 north and south and points east coming into austin or coming into the university of texas to cross those railroad tracks going and coming and be delayed. Thank you very much.

[09:15:03]

>> Mayor Leffingwell: Thank you. William woresham. Also signed up against. [One moment, please, for change in captioners] the on-air propoganda campaign is breath takingly cavalier with the facts. The claim of cars removed on the road equates to saying I myself own 42 cars because I drive to work and back twice a day, 21 days a month. It makes no sense. My understanding of the deal that's before you is that you're not including legally binding road debt in your proposal or in the ballot language, and that you believe you already have the authority to issue certificates of obligation for the other \$400 million. Assuming that's the case, I would ask the voters to vote this ballot measure down as it is purely a vote for or against rail, and that we should act accordingly. If you choose to carry on with this project, I don't think history will be kind to the view as we look back on this, and I appreciate your attention on this matter. I hope you will vote against it. Thank you.

[09:17:41]

>> Mayor Leffingwell: Okay. Vincent may, also against.

>> Good afternoon, mayor, and council members. I'm today going to be speaking on behalf of the libertarian party of travis county. We are opposed to this ordinance being passed and proposition being put on the ballot in november. The reasons are so numerous, I'm not going to attempt to enumerate them all. I'll say one particularly egregious thing is, this program of baiting the taxpayers with some unknown road projects to entice them into voting for another project, the highland mall rail plan, that they might not want to vote for, that really -- that kills it all. That's wrong. Secondly, it's my understanding that the ordinance has been redrafted and the people have not been informed of that. Certainly, I haven't been informed of it. I haven't seen any copies. And the ballot language may have been changed, and you should not proceed with this vote. You should put this vote off until the citizens are informed. That's the message I would carry from the libertarian party of travis county. Thank you.

>> Mayor Leffingwell: Next speaker is jeff howard, signed up for.

>> Thank you, mayor. Good afternoon, council members. My name is jeff howard. I'm here as a citizen,

not on behalf of any organization, but I have in my capacities on very business organizations been following this issue very, very closely, and first let me thank you for having the encourage and the common sense and the commitment to the citizens to bring this item forward. Let's be honest with each other. We have a problem in austin, and it's traffic. And this is threatening our quality of life and it's threatening our economic prosperity. And the time to talk about it, I think -- we've had plenty of time to talk about it. I think the time to act is now. We know that we have problems in our inner city in terms of congestion, and we need some sort of solution. Right of way limitations dictate that high capacity transit should be one of those solutions. We have problems on our roadways, on our commuter system leading into town. So we have a problem. That's acknowledged, it's agreed upon. I don't think anyone can really dispute that. The issue is, how do you solve it? There are financial constraints, there are physical constraints, and there are competing interests that the opponents who just spoke kind of illustrate. You've got those on one hand who want more rail and those on one hand who want more roads. So you've got financial constraints, physical constraints, and you have a bunch of interests to compete, and balance. I think the proposal that you all adopted in the awesome mobility plan represents the best possible solution under the circumstances. So we have the problem on the one hand, and we've come up, after a lot of time and effort, with the best possible solution under the circumstances. I think it's time to put the two together and bring this solution to start addressing the problem, and to do it now. Let's take action. Let's do this together, and we can start solving some problems. I'd be happy to answer any questions you may have. Thank you.

[09:21:29]

>> Mayor Leffingwell: Thank you. Charles betts, signed up for.

>> Mayor, operator, I'm Charles betts, representing the downtown property alliance, which is an association of property owners. The first thing I'd like to do is thank you for your unanimous support about a month ago when you adopted the strategic mobility plan. It's been a well thought-out, very well vetted plan. I have to smile a little bit when I hear smoke in mirrors. It's absolutely the most well vetted and absolutely publicly wide-open process that I've ever seen in my lifetime in austin of any transportation project that we've ever had. You might criticize it, but criticizing it as not an open process is simply not fair. And I compliment you for seeing to it that that has been the case. The downtown austin alliance has a history, about a 15-year history that is in promoting multimodal trappings options for our entire city and for better access to downtown. And it is culminating at this time. We feel like this is a watershed moment in the history of austin, and almost all watershed issues in austin have been somewhat controversial, and this is no

-- no different. But it's extremely important to have another option for better access. Our roadways are clogged, and so we have to look at other modes to continue to be able to get people in and out of the central business district. But this

-- this proposal is not just good for downtown, it's good for the entire community, for the reason that if -- if this

-- if this is

-- if this passes and comes to pass and our transportation is improved, we can continue to expect to see high value buildings going up in our central business district, and a majority of those tax dollars are

actually exported to the rest of the city for city services, police, fire, education, health services and so forth. It's a great win for our city. We think it's a watershed moment in our history, and I will be proud to stand with you for taking a courageous action in really trying to approach the transportation -- the improvement of the transportation system for our city. Thank you very much.

[09:24:31]

>> Mayor Leffingwell: Next speaker is kathie socolic. Correct me, please, if I mispronounce your name.  
>> You get closer every time. Kathie socolic. Thank you for the time to speak to you guys. I live in the miller neighborhood. As you know, there are a lot of people in the austin community who are very passionate about bringing rail to their neighborhood and their part of austin. As a past president of the miller neighborhood sorry, I'm of course one of them. My neighbors and I would love a line to go to miller but we're reasonable folks and we understand that this is a process, and data and experts, all of them have recommended the starter line that gets close to miller, but in the quite there yet. We're patient people. We'll wait. I am relieved to know that this bond will include funding for the next corridor studies, and I'm happy to know that miller, east austin, and lamar/guadalupe all remain on the list for a comprehensive system. Thank you for this process, the group has taken, even if the result isn't exactly what my neighbors were hoping for originally. I think it's now time for all of us to put away the wants and focus on the need. The city has a big transportation problem. I know potentially polarizing projects like these tend to draw out more vocal critics, the more reserved supporters, so I felt it was my responsibility to come out here and let you guys know that we are a supporter. We're a spouter of this project, we're here and ready to go. We're supposed to be a progressive city. Let's start acting like one, quit fighting about which line goes first, enough squabbling, fighting over this data point, enough debate, enough twitter wars. It's time for unity, civil discourse and action. In short, we're ready for rail now. Let's go. Thank you guys.

>> Mayor Leffingwell: Thank you. Laura presley signed up neutral. Can you -- can you please change that to against? One dollar will do.

[09:26:45]

>> Mayor, mayor pro tem, city council, I'm laura presley and I want to speak on item 1 one piece of advice I want to offer, it would have been helpful to everybody speaking if we could have seen the language that you guys came up with in your executive session and that might have helped address a lot of concerns. That's just one piece of feedback that would help everybody. Given that we don't have that, I'm going to speak on what we know so far. Ben weir of the states man has reported the attorney general's office has a correspondence with the city and said that you cannot combine two unrelated items, rail and roads, on the same ballot initiative, on a single proposition, for the general obligation bonds. According to what the mayor said at his press conference, you guys have come up with a proposal to put the rail on the ballot for the general obligation bonds and supplement to use road language and use non-legally binding terms, such as commit or covenant to do roads, or providing funding to do roads, not issue a general obligation bond for the roads. And I think that's really the critical piece here. If we use this type of terminology, it will be deceptive ballot language, and it's a

switch for voters because they will most likely think they're voting to secure road bonds to deal with traffic, when, in actuality, we as voters will only be approving the rail bonds. I guess you might want to add some mom and apple pie to the bond language if it will get it to pass, and that's kind of how this is coming across. I'm just going to be real frank. If it does pass, our future council will be obligated to issue these bonds for the rail. The future council will not be legally required to issue bonds for roads, and I think

-- okay, so we don't have the language, so we don't know, council member spelman, it would have been helpful to have had that. Basically in effect, we're saying, you know, trust the new council in the future that we're going to get roads. Trust us. Even rika is concerned about this. They've chosen to trust this is going to happen going forward. I'm not sure the voters trust it. If this bond fails, the general obligation bonds cannot be issued for rail, but if it fails, it's your position that a certificate of obligation could still be issued for roads. If that's the case, why put it on the ballot? We can argue about that, but why put on it there if you can just do it anyway? This is the problem with our council system currently. Austinites don't trust the rail process. Period. That's been the message across the last several months. And they don't trust these type of decisions or actions. And quite honestly, this is why we voted to replace the city's governous model with a 10-1 system. This is exactly it. I think the best action is to step back, put two separate items on the ballot, road and rail. Thank you.

[09:29:49]

>> Mayor Leffingwell: Thank you. One small correction. This is an obligation and a commitment, and the rail construction cannot begin until those road commitments are met.

>> Thank you.

>> Mayor Leffingwell: So next speaker is geronimo rodriguez.

>> Mayor?

>> Mayor Leffingwell: Council member tovo?

>> Can I just ask our staff to clarify what is in our backup? It's my understanding that the current ordinance

-- there was a correction made yesterday afternoon before the council deadlines for when backup can be reamazed. So yesterday afternoon, there was the draft ordinance that replaced the ordinance that had been put in backup last friday. Are there paper copies anywhere, available anywhere? I'm at a loss here because we're not in our regular building, but do we have any paper copies that are available for people who can access it online right now?

>> I didn't bring them.

>> Mayor Leffingwell: We'll see if we can get one of those, or more. In the meantime, the next speaker is geronimo rodriguez.

>> Tovo: Thank you.

>> Thank you, mayor. Good afternoon, mayor and city council. I'm here representing the greater austin hispanic chamber of commerce. I serve as immediate past chair and serve on the executive committee and wanted to share a statement that we prepared regarding this issue, item 17. As the you let are of austin's dramatic ongoing growth, traffic congestion has reached crisis level. Austin is currently ranked as the fourth most congested city in america. A rush hour trip in austin now takes over 40% longer than

a trip during non-rush hour, and austin drivers waste an estimated 40 hours per year stuck in traffic. Austinites overwhelmingly agree congestion represents a grave threat to austin's economy, environment, safety, and overall quality of life. Over the past 15 years, over five billion dollars invested in building and improving roadways in the austin area, but congestion has continued to increase, demonstrating that roads alone can't solve the region's congestion crisis. And to address congestion and protect austin's quality of life, voters should support an integrated multimodal transportation system as envisioned by the road, rail, and planning investments proposed in the city of austin's proposition. Thank you. Thank you, mayor.

[09:32:24]

>> Mayor Leffingwell: Thank you. Dee ann de gardin. Thank you of the garden.

>> Thank you, mayor. Not everybody knows that. Mayor and council, I am deann de jardin with the master developer for the airport development, speaking in support of transportation bonds. I want to thank everyone at the city and capital metro, and especially the project connect team, for all the hard work and community outreach that has gone into this plan. The urban rail discussion began more than ten years ago with three years of intense planning and hundreds of public meetings for this new phase. That's how long it can take a community to move big ideas forward. It should take that long. It is a big idea. A project of this magnitude deserves the study, analysis, input, and debate that has been given to create this plan. That's how miller was created, and we're seeing successful results from that thoughtful planning. Austin needs this transportation project. It's become a big city with big congestion challenges, and needs more transportation alternatives. This rail project connects major activity centers, it addresses today's congestion, and anticipates future growth. It has potential to connect future corridors, it helps shape where future development should go. It doesn't overlap existing service. That is why catellus and many employers, employees, and residents in and around miller, support this urban transportation project and hope it becomes a reality for austin sooner rather than later. Of course we wish miller would have been included in the first phase of rail, just like there are others who wish this proposed project went down different corridors or extended to the airport, but we recognize there are many priorities, and there are finite resources. And we can't get everything we want right at the beginning, but we do need to begin. We urge you to vote for this rail and roads bond package. It benefits our entire transportation system, our economy, and our quality of life. It is time to move forward. Thank you.

[09:34:59]

>> Mayor Leffingwell: Thank you. Martha smiley signe up for.

>> Thank you, mayor, mayor pro tem, council members. I've had the privilege for the last two years of serving on the transit working group, which is a campo committee to look at regional transportation plastic. I'm serving the north corridor survivor advisory group to look at what's happening in the northern section of our region, and the opportunity to serve on the central corridor advisory group, which was looking at high capacity transportation modes for the core of our city. I came to this process without any preconceived notion of what we should do or where we should do it. But understanding



that we are in the midst of a transportation crisis, and we need to do something, understanding that our congestion is dramatically worsening, and that in 20 years we will double our commuter trips during rush hour. The chamber has long identified traffic problems and congestion as the number one problem for businesses, large and small, and has long urged that we're critically behind and need to make significant investments in our transportation infrastructure. I served on these advisory groups as vice chair of the austin chamber for two years and as a business representative from the austin area research organization, so I was looking at this whole approach from a business perspective. Our goal was to determine the best segment of a high capacity system, whatever it was, that had the best opportunity to compete for federal dollars, and served the most vibrant, capacity constrained, and congested segments of our community. The project connect process was an open, transparent, community engaged and data-driven process. There were representatives from a broad section of the community that participated, both on the advisory group and in community engagement sessions across the community. The urban rail bond money, the urban rail project that came out of that was the most likely to get federal dollars. The recommendation was that we build this segment as the first segment of a system, and that we build it only if we could get matching dollars, 50% of the money, somewhere besides local taxpayer dollars. Because of that kind of a proposition ensures that our community has a significant investment and a high return on the investment. We're paying 50 cents per dollar. This roads and rail package is critically important. Roads are as important to our transportation system as rail, and they have to work together. We thank you for your leadership. There's never been a time when this community made a significant infrastructure investment that there wasn't disagreement. And it takes leadership as you are bringing us together now to bring us together. Thank you very much.

[09:38:47]

>> Mayor Leffingwell: Thank you. And the next speaker is pamela power, also for.

>> Good afternoon. My name is pamela power, and I'm speaking on behalf of the downtown austin neighborhood association, dana. Dana strongly supports the 2014 austin strategic mobility plan, in particular, the rail component. We appreciate the thorough analysis, the extensive public outreach, and the many hours of work it required to bring this initiative forward. It is a big step and a big investment. And it is every bit needed to aid austin's mobility and to maintain austin's quality of life. Rail, along with bus rapid transit, and the new sharing economy, which includes ride share, bike share, and car share, will give those in austin the freedom to choose, not just their mode of transportation, but where they live, by reducing their dependency on privately owned vehicles, they are afforded more living options that include housing in the central city and within the urban core. Dana encourages you to take this final step and to prove bringing this plan to the voters in november. Thank you.

>> Mayor Leffingwell: Thank you. James norte, also for.

>> Thank you, mayor, mayor pro tem, and council members. My name is james norte. I am a young professional and resident here in central austin. I chose to move into my neighborhood because it was a master plan community, designed to have rail. And even though this proposal doesn't take rail to my front door, I understand that this is an important investment, for the entire city. My neighbors and I understand the needs to look beyond the corridor's individual spaces and empathize with the larger interests of the community. This is merely the first phase of a much larger system and comprehensive

transportation grid which will eventually take rail to all parts of the city. I think sometimes we get caught up in the interest of just our immediate neighborhoods. We sometimes fail to see the forest, we just see the trees. We spend too much time looking at the here and now. We don't consider the needs of the here and now and the future. Now, some folks, including those that spoke today, who are very well intentioned, do not like the idea of putting a single transportation system on the ballot. And they suggest that road improvements and rail should be separate items. But, council members, it is precisely this type of disconnected planning and single-issue thinking that got us into this problem, this transportation mess, in the first place. Resolving our mobility issues means we must understand how roads and rails are connecting in helping austinites get around. We must 7th for both rail and roads. Rail alone will not eliminate congestion, but it will reduce it. I urge you to place a comprehensive transportation solution on the november ballot that bundles both urban rail funding with funding for road improvements. Transportation is a comprehensive problem, and it requires a comprehensive solution. Thank you.

[09:42:56]

>> Mayor Leffingwell: Next speaker is rob parsons. Rob parsons also signed up for.

>> Thank you. Growth is nothing in you to austin. It's been rapid and steady over the past century. However, we have few opportunities to make game-changing transportation improvements to keep up with that growth. This bond package is an important opportunity to make a vital investment in high capacity transit. The reason we started the transportation advocacy group, austin gets around, was to rally together supporters to improve transportation options, agnostic in mode, and remove the quagmire austin found itself short in. Of course with any plan, there is not complete consensus. If I was to ask every person in this room their ideas to improve austin's transportation, I would get as many unique responses. So there is no one perfect solution, but the proposal before us has gone through extensive outreach and public and professional vetting process. Some of the critics should be credited with helping to make the process more robust. Still, not everyone agrees on the first step, but I'm hopeful we can rise to the challenge, sets aside preferences and move forward. The proposed urban rail road is a key piece in the vision, connects key destinations, serves strong rider ship, interfaces well with multimodal options, encourages responsible transportation or redevelopment. Good credit systems and prudent development patterns go who understand in hand, and in the 14 years since the last rail vote was narrowly defeated, we've missed many opportunities for sustainable growth in improving the transit network. As an urbanist, I think it's foolish to indefinitely delay transit investments, allowing our growth to manifest the sprawl rather than diverse neighborhoods. If we say no to something, we're saying yes to something else. In this case, if we say no to this vision for austin's future, we're saying yes to irresponsible growth, pollution, and congestion. Therefore, we should rise to the opportunity and answer yes to an investment that builds resiliency to the economic, environmental, and cultural heart of our city. Thank you.

[09:45:31]

>> Mayor Leffingwell: Thank you. Matea barnstone.

>> Mayor, mayor pro tem, council members, my name is mateo barnstone. I'm a resident of austin. The austinian, 360 condominiums, frost bank tower, w austin hotel, spring, four seasons residence, austin hilton convention center, windsor on the lake, 300 west 6th street, the monarch, sky house austin, the shore, 21 rio, all of those towers were built since rail came before voters in 2000. The bowie, j. W. Marriott, colorado towers, sea home, 7th and rio grande, west continue hotel, the katherine, all of these towers are in construction right now. When these are topped out, none of the top ten largest towers in austin will have existed in 2000. The list of proposed projects in austin is as long as a page. This of-changing sky line is one of the many markers of a change in austin. In other markers, the swelling ring of sprawl that surrounds our city. What will the next 14 years bring? This rail plan can be a part of the set of solutions we need to grow our city in a responsible way that adheres to the compact and connected vision set out in the imagine austin comprehensive plan. We don't have the luxury of waiting another 14 years to develop a perfect credit starter line, acceptable to all, and opposed by none. This proposed line will connect east austin to west austin, south austin to downtown, the capitol complex, the med school, go through the center of ut campus, towards st. David's, the neighborhoods north of ut, hancock, and eventually into the redevelopment at highland mall. For a rail line that doesn't meet everyone's concept of perfect, it sure checks a lot of boxes. So I'm excited to thank you for your support today for tackling austin's growing needs in a responsible way. And finally, I'd just like to say that our investment in transit must go hand in hand with revising a land development code to allow for mixed use urban development along the line that will best support and benefit from transit.

[09:48:15]

>> Mayor Leffingwell: Thank you. Next speaker is meg merit. Meg merit, signed up for.

>> Good afternoon, council. My name is meg am I right, and I am here in my capacity as a new mom. That's the really hard one. And in my capacity as a young professional. Just to give you some of my background, I used to live and work in austin about ten years ago, and that was at the start of my professional life. And the conversation back then in the young professional circles was always, I don't have time to take public transit, I'm too busy. And since I've moved back to austin, I spent some time in the northeast, the conversation has drastically shifted to, I don't have time to drive. So that is a paradigm shift I encourage everyone to think about. We are at a very critical point, and not having this on the ballot is very threatening to our future. In my capacity as a mom, I think about how fast it's already going and the fact that just 14 years ago, we had an opportunity that we missed, and here we are again. And there are 14-year-olds walking around the city going, mom and dad, why don't we have rail? And I don't want my kid to be asking me the same question 14 years from now.

-- So now is the time, let's get going. Just a reminder to everyone, the year is 2014. It's the future. So the rail is now. Thanks.

>> Mayor Leffingwell: Thank you. The future is here. (Laughter.) angelica noyola, signed up against.

>> Hello, mayor, city manager and council members. My name is angelica noyola and I'm here to speak for people's voices who not been heard today. You hear a lot about ut, medical center, downtown area. What about east austin, the del valle area and others. These places will not be served by an urban route. You keep hearing about smoking mirrors and clarity of language. I'm here to tell you I know collect what they're talking about because we had abatant switch. We voted for our wreck center. We were told we

were going to get \$11.3 million for a wreck center. Turns out, because the language was shady and not clear, now we have to share that building with hhs. And if anyone has any doubts about that, please feel free to look into the website and you will find that out. Now, we hear a lot about people not being able to get where they need to go. Well, this line isn't even going to serve the people who it's meant to serve, the people without transportation. Those are predominantly the low income people, the working poor. The line is going to go down riverside, but it's not low income down there anymore. If anybody has not been down there, I urge you take a drive. Take a drive to grove avenue. You're going to see a lot of half million dollars con dose thanksgiving up along riverside drive. There are no poor people there, maybe a couple of importance, that's it. The fairs are not affordable. We have representatives come to us at the capital metro meeting that we had with abla. He couldn't tell us how much the fares are going to increase, but he did say they will increase. We won't be able to afford that. Certainly not people on a budget, working at minimum wage. They say that 3,250 more people will ride a day. More? I don't see 3,250 people riding now. So why should we put that burden on the taxpayers? The working poor who struggle to make their tax payments every year. People like my parents, my aunts, my knowledges, like myself, whose property taxes have been raising steadily as time has gone by. The seniors living on social security who have retired from the same city of austin who was singly trying to force them out of their homes. You hear a gentleman come and talk about sprawl around the city. That's not newcomers. Those are people who have lived in the core of the city who have now been pushed out because of the rising tax rates. Is that fair to them, the people who built this city, to be pushed out? No, it's not. Urban rail will not be for the people who live in austin, who have been here, and built the city. It will be for newcomers, from denver, new york, from california. I saw an article, I believe in american states man, talking about how denver has this great rail system. Austin and denver are two entirely different places. Please do not use that as a comparison. The amount of money being spent on media adds and material is ridiculous. We have more controversial things going on, specifically with the holly shores issue, yet we can't even get copies. I ask you, who is this really important to? Make sure you don't forget about the people who workday to day, like the guys in the corner here, who pay taxes to the city. It's not just the rich who count. The working class as well.

[09:53:27]

>> Mayor Leffingwell: Thank you. Those are all the speakers I have signed up who wish to speak. So first I want to say, for the record, there's language in the ordinance, refers to the ballot language that refers to matching

-- a requirement for matching funds, and I will just say my understanding and my interpretation of that, for purposes of legislative intent, is that matching basically means half. I just wanted to get that on the record. I want to say a couple of words about this proposal which has been seemingly so long in coming. Studies that have been done recently show that austin commuters now spend over 40 hours a year stuck in traffic. Congestion is now spreading. It has been for a while, from our highways and major thoroughfares to our neighborhood streets, as commuters search for shortcuts. I know because I live on one of those shortcuts myself. But the crisis, it doesn't just steal away our spare time, it's far reaching threats to our community. It's a threat to our economy, our reputation, and quality of life. I think it's already been mentioned today that austin traffic is already ranked as the fourth worst of any city in

north america, and as our population grows, and it will, it's only going to get worse. So today we have a chance to fight back, a chance to make a historic decision, to stand up and protect everything that we value about living and working in austin. We have a choice to truly commit ourselves to a robust, multimodal transportation system, and I emphasize the word system for austin, because it does include both roads and rails. It's taken four years to get here. It'll take a decade to bring something back for reconsideration if this proposal does not go through the council and get approved by the voters. We missed this opportunity, traffic will get worse, and it'll get worse quickly. Many of you know I was born here in austin, just a few years ago. It was a city then of about a hundred thousand people. So I've seen this city grow over a lifetime. In fact, double three times, so that now we're over 800,000 people, eleventh largest city in the country. I care deeply about this city. In my 2012 campaign for reelection, I promised that I wanted to leave this city a better place than I found it. I want to leave this place a better city for our children and for our grandchildren. So doing nothing about this traffic crisis is not an option for me. We have to start somewhere to begin to address it, and I think today and now is the place in time to start. So that said, I would like to turn over the chair to the mayor pro tem and make a motion to approve ordinance as is shown in the late backup, with one change, and that change would be to part 4 of the ordinance, that is the proposition language, the ballot language, and if we go down to the 9th line, beginning

-- there's a statement that begins and is in parenthesis and says other expenditures for planning, designing, and engineering, I would revise that to say other than expenditures for planning, designing, and engineering necessary to apply for grant and/or match funding. So that would be my motion.

[09:57:32]

>> Second.

>> A motion has been made by mayor leffingwell to amend the language to part 4 of the proposition and that has been seconded by council member martinez.

>> Mayor Leffingwell: And the motion is to approve the ordinance with that.

>> Spelman: Mayor pro tem? I wonder if I could suggest an amendment, I understand there will be times after an complication is made where we will need to be responding to requests made for further information from the federal transit administration, which may require additional engineering. Instead of apply for, could we say in he is to receive or necessary to obtain?

>> Mayor Leffingwell: That is accepted as friendly.

>> The mayor has accepted the language from council member spelman as friendly. Does the second -- that is accepted by council member martinez, it is incorporated into the amendment.

>> Mayor Leffingwell: Mayor pro tem.

>> Council member martinez?

>> I want to make a few comments. I want to thank the ones that have been supportive and quite frankly those that have not been supportive of it. It takes the debate and sometimes disagreement to come up with the most appropriate solution. That's where we are today. And this is just a start. And it's one small, small start, but it is a start, and we have to begin somewhere. 14 years ago, we lost a ballot measure, I think by a little more than a thousand votes, I know it was under 2000, and here we are 14 years later, and while we have opened the commuter line, it's not a circulation urban rail line as what

we're contemplating today. So I dare say, you know, we're going to be 20 years behind when we open this line. But it's necessary, and it's necessary to take that first step. Many major cities have gone through this. I think we're

-- you know, we're at pint in austin, texas, where every single option must be available to us. I specifically, though, want to thank the city staff and the cap metro staff. Capital metro will likely be the operating entity. I don't see how we wouldn't be. It's intended to be, but you never say things are for sure until it happens. But I dare say cap metro couldn't even be named as the operating entity, had it not been for the hard work of our staff and our board to get that agency in a position financially, managerially, administratively, and transparently, in a place where we could be named as the operating entity. This will

-- the debate will continue. We have

-- I believe it's

-- what is it, 85 days? 83 days till the election day

--

[10:00:34]

>> Mayor Leffingwell: But who's counting?

>> But who's counting? (Laughter.) early voting starts october 20th? (Laughter.) so the debate will continue. But at some point, we have to come together as a community to move forward, and I realize that not everyone is going to be in favor of this. I'm optimistic, though, that enough folks understand and support this transportation initiative that is necessary for the eleventh largest city in the country, as the mayor said, and to be that world class international city that I think austin has already become. We need this component. We need to go to the airport. I'll have to throw that in there, but that will come in future phases, and I'll be supportive of that as well. So I want to thank my colleagues for getting us to this point as well, and the mayor, and the transit working group. Mayor, appreciate all your leadership on this, and I look forward to supporting this and doing everything I can to see that the measure is passed.

>> Thank you. I also want to add that I fully support council member martinez and all the thank-yous that have went to the community stakeholders and everyone else that has been involved in the process, especially the mayor. But consistently, throughout this community, we hear two things, affordability and the lack of transportation options. And everybody can decide what they're going to put as a priority at this point, so I fully favor giving them that choice. But I think to do that we have to make sure that we have an added layer of transparency right now. I want to call greg canali up to the podium for just a second to answer a few questions about what exactly we are putting before the voters, and the financial implications of what we are doing.

[10:02:43]

>> Greg canali with the finance department.

>> Thank you, greg. I might start with jerry first. Jerry, we have a complicated ordinance before us and somewhat complicated ballot language. Can you briefly explain what it does?

>> Yes, ma'am, mayor pro tem. Jerry, with the outside bond council. The measure before the council right now would authorize the issuance of \$600 million of general obligation bonds for rail and require that the city obtain federal match funding as a precondition to the issuance of those bonds, and also provide funding for \$400 million of roadway projects as a precondition to the issuance of those bonds.

>> Okay. We have 600 million with the precondition that we receive some federal matching money, half as the mayor has said, and we also have a precondition for the 400 million. Is that correct?

>> Yes, that's correct.

>> Cole: Now, I want to understand from greg, what exactly are we asking the voters to approve in terms of a tax increase? Either one, jerry or greg. I know we've had our briefing from greg in the past and you've been over some of this in the past, but I think that the community is particularly keen to this issue right now, and I want us to be very clear on it.

>> I'll just speak as to what it authorizes. The authorization would be \$600 million of rail bonds, but one of the contingencies, one of the things that has to happen in order to issue those bonds is that funding has to be provided for \$400 million of roads. And debt financing to the extent that it's provided for the roads would be included in any tax.

>> Cole: We've heard some concerns about whether the language that we're using is consistent with what the attorney general would require of us. Can you tell us a little bit about that process and what you think about the language in he remembers the of the attorney general's approval?

[10:04:44]

>> Sure. Absolutely. It's not uncommon

-- first, I should say all bonds issued by cities in the state of texas require attorney general approval. And as part of the process, it's not uncommon for us to go to the attorney general when we're working with the city on a bond measure to discuss, you know, what the measure is, and what the proposed proposition will look like on the front end, just to ensure that there's not going to be any concerns from the ag's perspective when we go to get the bonds approved. In this case, as we often do, we went to the ag's office to have a conversation about this measure as it relates to transportation and, you know, rail and road. After some conversations with the attorney general's office, the road components that they were comfortable including in the bond portion, they felt like needed to have a physical nexus and relationship to rail. And so there's

-- the rail portion of the authorization is really about rail, and the road authorization is

-- it's a precondition to the issuance of the rail bonds.

>> Cole: Okay. Let me ask greg a couple of questions. I want to be crystal clear about what we're asking of the voters in terms of a tax impact.

>> Certainly, mayor pro tem. The proposition and the ordinance before you, assuming what jerry walked you there you the \$600 million, ultimately, it also asks the voters to levy sufficient taxes to pay for the principal and interest on those bonds, upon issuance of those bonds. We were before this council in april to walk through the city's general obligation debt analysis, bonding capacity. We then provided a more recent update within the last month as part of the mobility plan document that was presented to you as well. We estimated that for approximately a billion dollars in new debt that we would issue over the next six to seven years, that would result in a tax rate increase of approximately six and a quarter

cents. So when we look at this bond proposition

-- this bond proposition before you today, again, you are

-- the language is authorizing the levying of taxes to pay the debt upon issuance, and that six and a quarter cent is for both the \$600 million that is in the proposition, as well as the anticipated, again, one of the ways the \$400 million that the city would put its share in would be \$400 million, we're assuming at this point that would be through the issuance of other debt. So the combination of that 600 million and the 400 million is the billion dollars, and again, we're estimate ago 6 and a quarter percent tax increase.

[10:07:44]

>> Cole: Is there a plan for phased in approach of that debt? Can you explain that?

>> Yes. When the city enters into a capital program of any sort, all bond programs we have, previous bond programs, we do not issue that debt the next day after a successful bond election. Projects take time to plan, design, engineer, and then to contract and construct, and so what we do is, we spread out the

-- both the proportions for those dollars to start the work, the spending of those dollars occur, and then we sequence that with the issuance of the debt. We would expect the bond associated with this program to be issued over the course of about six years, and that is more or less in line with the timing of some of the proposals you see before you in the urban rail planning. So it would not

-- the six and a quarter cents would not all occur at once. That is the estimation of what it would be at the end of issuing all of the bonds.

>> Cole: Okay. And can you give us any estimate of a total tax impact of the six and a quarter? I thought I saw language in the ordinance that did that. They gave us some dollar amounts of the

-- well, because we're doing a phased-in approach, I guess it's difficult for you to actually give us an estimate if we were to pass these bonds of a

-- you do that in connection with the budget, and that's exactly what I was looking for, but it may be difficult for you to give an estimate of the property tax impact of the bonds over the six-year period.

>> That's correct, mayor pro tem. We're estimating today, six years in the future we look at very conservative assessed evaluation growth, and what we assume again is that looking at

-- we're basing that off of the current debt service piece of the tax rate. There's two pieces of the tax rate, one that's public safety; libraries, the debt service piece is what we levy to again pay principal and interest on our existing bonds, as well as any new debt we may issue. So our analysis assumes that six and a quarter cents would be above and beyond our current debt service tax rate, which is currently about 11.7 cents.

[10:10:04]

>> Cole: Have you visited with bond counsel about this proposition?

>> Yes. I mean, we've visited in connection with portions of the proposition as they relate to some of the information that's in here.

>> Cole: Are we able to do this, in terms of the bond counsels



-- in terms of our rating, good rating that we have, our aa rating? Have they given you any reason to be concerned?

>> In terms with our bond rating agencies that's an annual process that we go through. Certainly we're at the point now where, again, we've presented our capacity analysis and the city's ability to issue debt. We believe that this

-- the billion dollars is certainly within the ranges of all of our metrics, and as we issue debt each year, we'll go through that rating agency process. The city has the highest bond ratings that can be given by rating agencies, and we firmly expect that those ratings will remain at their highest levels.

>> Cole: Thank you, greg.

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: Mayor leffingwell.

>> Mayor Leffingwell: Before we vote, I want to really thank some people because this is a long, somewhat arduous process, to say the least, but first and foremost, it would not have been possible without the strong support of the city manager. He basically made the

-- all the key people necessary on the city staff available to work on this project. We spent a lot of friday afternoons in various meetings doing that kind of thing. But I want to thank robert good, whose support has been invaluable, rob spiller, gordon derr, scott gross, carla taylor, all in the public works transportation staff, our financial staff, we can't get along without those guys to guide our way. Elaine heart and greg canoli who was just up here, and of course a lot of this has involved the city attorney. It's been somewhat intense for the last week or so, and we appreciate her efforts to continue to help us get to the point we are now. I know the attorney on her staff that happen a point on this is lela fireside. We want to thank her very much, too. But I really want to thank all the stakeholders that were part of both the transit working group and the central corridor advisory group who came together and spent all that time, literally hours and hours on a friday afternoon when most of us

-- well, for those of us on the city council, we wished we could go home and take a nap after a late council meeting, but everybody gave up their time and really, enthusiastically and energetically worked on this project. And I can't tell you how much I appreciate you. There's more to do. Obviously, we're about to take one step. There are other steps. There's the federal approval. There is the election, of course. A huge step. A long way to go. But we can take an important step here today. I also want to thank kyle keehan, who has basically been in charge of this operation. He's a joint employee of the city of austin and capital metro. He's an engineer who has worked on many such systems around this country, and very successfully, I might add, and his support and guidance has been invaluable. And since I mentioned cap metro, I surely want to recognize the enthusiastic support of their great leader, executive director linda watson. Her help has been

-- her support has been unvarying and very much appreciated also. But as I said at the beginning, it all starts with the city manager, and I want to let him say a couple of words if he would like.

[10:14:12]

>> Thank you, mayor. I too want to join the mayor in expressing appreciation to all of the people that have been involved. I won't repeat all of those

-- all of those names, except for one. And I'd like to single out my assistant city manager, robert goode

because he has been in this from the beginning. My relationship with robert goes back to our days in fort worth, texas, when I hired him. But he

-- his leadership in regard to this particular effort has simply been exemplary. And I know you get embarrassed by these things, robert, but I'm singling you out today because you serve that. And, mayor, I want to acknowledge your leadership, as well as my colleague, linda watson, for playing your important leadership role in bringing us here today, as well as the rest of council. So thank you again, robert.

Appreciate your leadership.

>> Council member morrison.

>> Morrison: Thank you. I plan to support this. I think it's again an important step of putting this on the ballot, and to go to the work of the folks that have put this all

-- you know, really done the hard work of putting it all together, I particularly want to mention my colleagues, council councilmember spelman and the mayor. I saw them on those friday afternoons and did not envy them. I appreciate what they did. I know council member spelman brings a particular perspective that I particularly appreciate. If he could always answer the questions I raised, as well as the staff, I appreciate that. I do want to ask staff to clarify a couple things that I think I understand and I think it's real important for the public to understand about what we're doing with this ballot language. And it really has to do with the \$400 million that we're talking about for rail

-- roads, because the question has come up of, well, could we talk a little bit about where we might think that \$400 million might come from. So I'm not quite sure which staff member would be the right person to talk to that point. But I would welcome any of them.

[10:16:37]

>> Greg canali, finance. Again, I think at this stage, we would expect that \$400 million for the road, the state roads that are mentioned in the proposition language, we would expect to look at issuing debt for that. At this point there's been

-- other funding sources have not been identified. However, there will be an option to look at other funding sources as the months and years go on, as the projects come into more clarity, there will be an opportunity to look for other types of city funding that would be able to be applied for our \$400 -- 400-million-dollar commitment.

>> Great. If you could just take that one step farther, I couldn't us to delve into that debt, what kind of get would that be, and is that debt that we're going to have to go back to the voters for, or is this debt that the city has the authority to issue in any case?

>> There's at least three primary sources of debt funding the city could consider. One would be voted gl bonds. Another would be certificates of obligation, and third would be non-voted gl bonds for improvements on the state highway system that are not toll.

>> Tovo: So for these roads listed here, because they're state roads, there's ability for voter or non-voter approved gl bonds.

>> That's correct.

>> Tovo: Great. I think in the coming 80 or whatever days, I'm not keeping count, till the election, it's going to be important that we are able to answer all those questions and all of that is clear, and I think just to reiterate, one point that you made already, and that is, when we're talking about the six and a

quarter sent eventual tax increase that would be needed to cover that, we're talking about the  
-- that money being needed for  
-- to cover the 600, plus the 400 if roads.

[10:18:42]

>> Exactly.

>> That's correct.

>> Tovo: It's not just that. Great. Again, my thanks to everyone, I look forward to the coming discussion, and I feel very strongly that this is a good step for us to be taking, to be putting this on the ballot.

>> Further discussion, comments? We have a motion on the floor and a second. All those in favor, say aye.

>> Aye.

>> All those opposed, say no.

>> Mayor?

>> I'm sorry.

>> One point of clarification on the amendment, just want to make sure we got that right. We have an insertion in the parenthetical at the end to say necessary to receive or obtain grant and/or matching funding in conforming changes.

>> They can't. Either receive or obtain. I don't think both of them are necessary. I think one.

>> Okay.

>> Mayor Leffingwell: Whichever you think is legally best.

>> Necessary to obtain.

>> Cole: That has been incorporated. Any opposed, say no. That motion passes a vote of 7 to 0.

[Applause]

>> Mayor Leffingwell: Okay. We can all go home. (Laughter.) Thank you. Thank you for your help. I guess we'll just start back where we left. With that objection, the council will go into recess to convene a meeting of the housing finance corporation, if housing finance corporation folks are here, take us through that agenda quickly.

[10:21:33]

>> Good afternoon, board of directors. I'm representing the **austin housing** finance corporation today and I offer the items on consent today, items 1 through 11. However, I recognize earlier I did check and I think a couple of items did have speakers.

>> Mayor Leffingwell: Let me check that. So you could offer everything except 3 and 8 on consent. Council member martinez?

>> Morrison: There are a few things I would actually like to talk about.

>> Mayor Leffingwell: Why don't you pull them off of consent then.

>> Morrison: I will, as soon as I can find the numbers. Sorry.

>> Cole: I think they're 7, 9, and 10.

>> Morrison: 7, 9, and 10, and if we could add 11 to that too, because that's a related public hearing. 7,

9, 10, and 11.

>> Mayor Leffingwell: Plus 3 and 8. Not much left.

>> That's because the treasurer is not here. I get the lucky draw on the asc meeting today.

>> Mayor Leffingwell: All right. Well, I guess I would entertain a motion to approve items 1 and 2.

>> Mayor, we could also approve 4, 5, and 6. They haven't been pulled.

>> Mayor Leffingwell: 1, 2, 4, 5, 6.

>> Spelman: I move approval.

>> Mayor Leffingwell: Council member spelman moves approval. Is there a second? Second by council member martinez. All in favor, say aye. Opposed, no. Passes on a vote of 7-0. I guess we'll just go in order. Item number 3 has speakers. First, pina. Is david king here? Soya lavega not here? Michael fossum here? You have up to six minutes.

[10:23:43]

>> Thank you, mr. Mayor. Gust pina, native east austin night. Number 3 I supported wholeheartedly, but with some comment. As you very well know, we've been dealing heavily with the secretary -- the new secretary of veterans affairs, and having said that we have a lot of are females that are single with head of household kids, and I wanted to say this, I'm going to preface my other comments with it, I work with mark rogers, I support him and I support gain also, the guadalupe neighborhood development association, work with dave elliot of the guadalupe church back in the late '80s and '90s about supportable housing. And I support number 3, but with some reservation. The language says approve the negotiation and execution of loan agreement with guadalupe neighborhood development corporation with development of house being, with low income family household, supporting secondary education. Mayor and council, I would ask you really, for the future, not just support funding pour supported services for low income, single parent household, completing post secondary education. We have a lot of female, single female moms with children that are also looking to complete a g.E.D. Or the high school diploma. So in the future, I would ask, respectfully, that we think about these very beautiful, very kind female, not only veterans, but also head of household, females, head of household, single, to remember that there's a lot of need out there also for other types of family structures, not just for single parent households completing post secondary education. And I can read the backup. I read the backup. It's, you know, funding for supportive services, but remember -- and I'm not saying it's discriminatory. I'm a former eeo investigator for treasury and collateral justice, but let's have a balance here. I spoke to secretary of hud, castro, who used to be the mayor of san antonio. And he agreed with that statement, we need to be holistic and good complete and provide housing for all females, head of household with children, that want to complete their education, not just post secondary education. Anyway, I'll leave it at that. I support item number 3, but reservation to include in the future, in the most expeditious future, to help single moms with families that are wanting to complete their education, g.E.D.Wise, high schoolwise, or otherwise. Let's be holistic in this. I'll leave it at that, and thank you very much for the opportunity to speak. We have a lot of single moms with kids at the salvation army shelters, other shelters. Council member tovo, you and I spoke about that when you first ran for council. That is one of my biggest, biggest concerns. I am a supporter of female rights, even back in the '60s. But the issue, we need to do a better job to provide better services for single

moms that want to complete g.E.D. And a high school education. Not just post secondary education. Thank you very much. I hope we work on that closely and expeditiously provide funding for those other moms also. Thank you very much. He have.

[10:27:41]

>> Okay. Rebecca

-- I have a couple of questions for you. I don't believe there's any other speakers. I wanted to talk about 7, 9, and 10. Now, first of all, any property that is owned by the austin housing finance corporation, is it exempt from all taxes or just city of austin taxes.

>> All taxes.

>> Okay. The backup note, converting 26 market rate units into affordable units, is that part of the restrictive covenant?

>> That would be part of the restrictive covenant, yes.

>> Cole: Do you know at what level of affordability that would be and for what time?

>> I don't have a unit breakdown right now. A about I will

-- the dorp is here, who can give you more information. The actual units are two bedrooms, three bedrooms, four bedrooms, and the msis are 40, 50, and 60% mfi.

>> Cole: So do you have any idea what the approximate rents would be?

>> The rents would be, respectively, two, three, and four, would be 825, 925, 1050.

>> Cole: Okay. Let me move on. I know that permanent

-- and you know that permanent supporting housing has been very important to this council. Are there any permanent supportive housing units as part of this project?

>> Vice president, there is not at this time. We have had preliminary conversations with the developer, and he is open to having the discussion and the inclusion, I believe, of permanent supportive housing. And that is something that we can certainly take a look at as we move through the negotiation and execution process. And I would welcome, if there's more of

-- of a discussion you all would want to have with the developer, he is present and he is aware that that might be something that you all would want to visit with him about.

>> Cole: Okay. I appreciate that. Maybe we will do that at the end or visit later. The backup notes says there are on-site services. Please detail them?

[10:29:48]

>> I don't have the detail information on the on-site services. Those are typically identified later in the process once these instruments are intact and there is an opportunity to engage with the residents and identify what the services would be, as per are not's

-- the resident's needs.

>> Cole: It's my understanding, the timber, we can expect some after school programs. Is that correct?

>> That is correct.

>> Cole: Okay. I think it's important that we have the learning programs, and I know this particular developer is very good about that. Do you have any additional information on the similar partnerships

listed, villas on six, the primrose at shadow creek and village, taxes that identify how many affordable units were secured or their level of affordability or the amount of taxes for. [One moment please for change in captioners] s.

[10:31:55]

>> ... And we were able to see that it would be a cost of about 113,000 annually to buy down at 60% mfi.

>> Cole: Okay.

>> So the foregone revenue to be clear actually supports and allows for the deeper subsidies.

>> Cole: Do you know the year amount figure of the affordability that's being offered? 55 years.

>> Cole: 55 years. What happens to the city owned property after the restrictive covenant ends in 55 years?

>> Because the austin finance corporation holds title to the land, I do not see a reason why we would break from precedence. We would remove the restrictive covenant.

>> Has there been any recommendation from any board or commission?

>> We do not have the

-- there isn't a requirement to go in front of the other boards and commissions for this recommendation. Just as a reminder, the austin housing finance corporation is not investing any funding into this particular development opportunity, so, no, there is not. Just as the other partnerships were developed, there is not. We are following the same precedent.

>> Cole: I think I would support going in front of the cdc but I would like to get some thoughts from council member morrison.

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Yes.

>> Morrison: So I guess. We are talking about two particular

-- three particular items, one about the

-- 1034 clayton and the other about the tempers, this is confusing

-- honestly, this is a complex thing. I didn't have time to study it but, for example, reading posting for number 10, approve private enticement for private funding and private activity cap multifamily recourse funds

-- like here is my thing. Either we are going to need to spend a lot of time helping me understand this or I am wondering if we could take it to the cdc because I would feel a lot more comfortable knowing that the folks that have sort of the bigger picture about what we are doing with affordable housing might be able to weigh in. So I don't know if you have any comment on that and I am certainly interested in, is there a timing constraint that you are under.

[10:34:38]

>> So a couple of comments. I would like to

-- I would obviously want the board to be comfortable with the transaction. It does not break precedents with the other partnerships that have been used and the other prior partnerships that the corporation has been able to form. So I would offer spending a few minutes. I would like to turn it over

to david potter who can walk you briefly through that. I do not have a problem at all to taking it to the community development commission. I would only

-- caution is too strong of a word. I only want to put forward this is an austin housing finance corps transaction and I think they can look at the recommendation and go with staff's recommendation. I would leave it to council's purview on whether or not you want to give us the direction to do that. We can lay out the process more briefly and get you comfortable on what these items actually do.

>> Morrison: Okay.

>> Housing finance corporations are authorized to issue bonds, the proceeds of which will generate funds to develop affordable housing, whether rental or ownership housing, and the market in the last few years had not been conducive to housing finance corporation issuing bonds. It is coming back, though, and the last bond issue that we did was on the elm ridge apartments, back in 2010, I believe. So I guess the point I am trying to make is that it's

-- the corporations are authorized to do this and it's actually a routine sort of thing. We just haven't done it in a while.

>> So, david, if you could walk through exactly what the subsidiary process is that we are creating.

>> Because the developer is applying for 4% noncompetitive tax credits, there is going to be an investor that buys the tax credits and a limited partnership has to be set up with the investor being the limited partner and what we are proposing to call t hsc31024 nonprofit corporation as the general partner. The partnership would own the property and cooperate it according to the rules

-- imposed by the tax credits in tdhca and the internal revenue service for that matter. And so the proposal is to partner with a nonprofit cesar chavez foundation to create this limited partnership that would own the timbers and perform the things that we are in the memorandum of understanding, which would be to provide hfc with developer fee, cash flow, affordability for 55 years. Rehab fee existing units, which are not that old but folks will be basically getting new rehabbed units. I am not sure what else to add. I hope that ...

[10:38:02]

>> Morrison: Okay. The point being that there are elements to this deal, like the length of time and the level of affordability. And as mayor pro tem brought up, whether there was permanent supportive housing and what the services were, so while this is

-- for a layperson looks rather complex, for me it would be

-- help me a lot if I had someone

-- has news that theres is going to be some discussion like at the cdc or something like that, so if you don't mind, if you don't see a problem like that, I would like to make a motion that we postpone number 7, 9, 10, 11 to a date that you could help us with and then go to the cdc and have the discussion and get any feedback from them.

>> So director, we are happy to do that and in the meantime, I am happy to provide through the austin housing finance corporation, a memorandum walking you through the process a little more substantially and I will check the community development agenda and many in that memoranda we will be reporting when we will be visiting with cdc.

>> Morrison: Great. They may well have a better understanding of this whole setup but they will be able

to give some comments on those points of the deal, basically.

>> We are happy to do that.

>> Morrison: And what we are getting. Great. So my motion is to, I guess, post

-- I am not sure how to do this, postpone to uncertain date. You will repost when it's ready?

>> I think it's appropriate to reschedule it for the next austin housing finance committee meeting and we have enough time to get it on the agenda for the cdc.

>> Morrison: Thank you. I appreciate that. That's my motion for number 7.

>> Mayor Leffingwell: Motion by council member morrison to postpone number 7, 9, 10, 11 until the next hfc meeting.

>> Second.

[10:40:03]

>> Mayor Leffingwell: Second by mayor pro tem cole. All those in favor, say aye.

>> Tovo: Mayor I have a

--

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I have an additional question or comment. I believe you referenced several different projects that serve as a model for this one and one was primrose.

>> That's right. Primrose, the victim las of north texas and the retreat at north bluff.

>> I hope when this comes back to us, I hope you can understand how the funding mechanism is a little different from the timbers. I know we have had some concerns from at least several tenants from the primrose, that, for various reasons, the owners haven't been able to provide some of the amenities for that

-- for that development and have had some funding challenges, and so I would like to understand before we enter into this, how are we

-- how might this one be different so that they are not encounter some similar challenges as have the owners of the primrose.

>> We can certainly provide the financial structure on each of those in our memorandum to the board.

>> Tovo: Thank you, can you also provide for us the bedroom count?

>> We will do so.

>> Tovo: Great. Thank you very much.

>> Mayor Leffingwell: All those in favor, say aye. Of the motion to postpone? Opposed say no. Passes on a vote of 6-0 with board member martinez off the dais. And we understand we did not vote on item 8hfc3 yet but all of the speakers have spoken so we entertain a motion to approve that item. Council member spelman moves approval. Mayor pro tem cole seconds. All those in favor, say aye. All opposed say "no"? Passes on 6-0 with council member martinez off the dais. That takes us to item number 8. There is one speaker, jimmy gomez. Is jimmy gomez here? Not here. I have a motion to approve 8, hfca, motion by council member, seconded by council member morrison. All those in favor, say aye.? Proposal proposal. Passes 6-0 with council member martinez off the dais. That completes our agenda for the austin housing finance corporation, so without objection, that meeting is adjourned and I will call back to order the meeting of the austin city council. We have one item, item 178, currently the last item on



your agenda. It should have been posted as consent item on the morning agenda. However, it was posted for 4:00 o'clock time certain but now it's after 4:00 o'clock so to me it seems fair we bring this item up. It's already been approved on first reading so it's up for second and third readings and the public hearing has been closed. Entertain a motion or discussion on item number 178. Number f item 178. This is the naming of the park land at 3,000 del curto road. Council member spelman moves approval on second and third reading. Seconded by council member riley. Martinez. Correction, council member martinez seconds. Further discussion? Council member tovo.

[10:43:43]

>> Tovo: I really appreciate the conversation on this item. It is clear that mr. Lassiter is a very interesting person with a very, you know, who is certain she worthy of a recognition of this sort. I won't be able to support the motion today, however, for the reasons that we discussed last time. This is a park that has been championed by neighborhood in the area. They have been working years towards it and I last week supported the name that they suggested. So, again, I think mr. Lassiter certainly has had a very honorable career and contributed a great deal to our community and certainly is worthy of a naming recognition but I am not able to support the motion before us today.

>> All those in favor, say aye. Aye. Opposed say no.

>> Mayor Leffingwell: Passes on second and third reading with council member torres and -- you voted no? Passes second reading only, council member cole, council member morrison, council member tovo voting no. We will bring this back at the next regular meeting and try to get it in the right place in the agenda next time, all right. Nor we go to item number 149. Before we start, mr. Guernsey, I would like to make special recognition of some guests that are here. Troop 61, boy scouts from oak hill and southwest austin are here tonight in an attempt to learn something so they can earn a merit badge, I think. [Laughter] so would you like to stand up and be welcomed at our city council meeting? [Applause] thank you. Go ahead, mr. Guernsey.

[10:45:46]

>> Guernsey: Thank you, mayor and council, I can offer you a few consent items before we go to the two short discussion items on zoning if you'd like.

>> Mayor Leffingwell: Seems like worthy discussion. If there is no, objection, we would will do that.

>> Guernsey: Between the last time I was up here and now, I understand the objection has been withdrawn and item 164, the zoning case on your 2:00 o'clock agenda, and I can offer that item is consent item, c814060106.02 at 208 barton springs road and this is a planned neighborhood plan, combined district changes to change to district zoning and it was provided by the planning commission and we can offer that for all three readings. The 4:00 o'clock agenda, I will note that item 167 has been withdrawn from your agenda. There is no action required. On 168, staff is requesting a postponement of item flum 168. This is regarding the northwest park and ride boundary to august 28th, number 168. On 169, mayor, I talked to the stakeholder who requested postponement of me and I think we can hear that one so I will skip that one. I go to 170. This is a public hearing regarding chapter 25-10 in signs on rights away. Staff would offer that as a postponement to the 28th. Item number 171, this is regarding

signs at independent school districts, staff is offering that as a postponement to 8/28. Item 172, this is another sign amendment regarding sidewalk signs and staff would offer that as a postponement to 128.

>> Mayor Leffingwell:8/28?

>> Guernsey:8/28. Sorry. And item number 175, this is an appeal brought by david canalossi regarding the rrdc's decision on 905 apple street and he is requesting a postponement to this item to the september 25th agenda.

[10:48:04]

>> Mayor Leffingwell: Okay, consent items to be considered in one lump, item number 164, to close public hearing and approve all three readings. Noting that item number 167 is withdrawn. Postpone 168, 170, 171, 172 until august the 28th, and to postpone item 175 until september 25th. Council member martinez moves approval. Seconded by council member spelman. Council member tovo.

>> Tovo: I have a question for you, mr. Guernsey. Iv am not certain I understand what happened with 164. It was withdrawn from the consent agenda because there was an objection and now the objection has been resolved?

>> Guernsey: Yes, it's my understanding mr. David king was here and he spoke with the applicant and they had a discussion and I guess it came to resolution to whatever concern there was, so that's why I am offering it as the consent.

>> Tovo: Thank you.

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0.

>> Guernsey: Thank you, mayor and council. Item number 149. This is a rezoning request regarding case number c14-2014-0052 for the property at 7405, 7409 and 7415 cooper lane regarding a property that's 9.87-acres in size for rezoning to sf6-co. The rezoning request was recommended to you by the zoning and planning commission, with several restrictions, that would include the maximum height being limit of 65 feet

-- excuse me, maximum number of dwelling to be 65. There to be a 25-foot vegetative buffer along the north property line. Restricting uses to single family, townhouse, condominium residential and that the conditions of the neighborhood traffic analysis and additional conditions that there be a full access to sir gail lane and to cooper lane, there is a step out to the property to the south and this is noted on a conceptional plan which is noted in your backup, between 43 and 54. There is a traffic calming device on the private street. This would be their property. Sir gayle wayne drive and a secondary entrance to cooper lane. Staff did provide an updated traffic

-- a neighborhood traffic analysis regarding this property and if the condition regarding the second access would be made part of your approval, then at the time of the second access, staff would then like to review the compliance with the land development code and the transportation criteria manual as well as issues that may relate to vehicular pedestrian safety so we can make sure that the technical locations for the second driveway would be appropriate. The site itself is currently zoned sf2 and contains help storage areas and other residents. Property to the north are zoned sf2 primarily in single family residents in buckingham phase two one subdivision. There is convenient storage. To the south is sf2 and vr and they are single family residences on standard size lots and large lots to the east as dr, undeveloped in the west in our residents and south buildings, warehouses and large tracks. It's located

in the south boggy creek on watershed. There is some neighborhood opposition to this for concerns about having the connectivity, to sir galloway to the north, to have vehicles to be able to traverse that. There is some concerns about noise and some concerns about making sure that there is an adequate buffer between the homes and this property. The property owner agent, mr. Ron thrower with thrower design did meet with them and did agree to certain conditions as far as providing some of the stub outs that would

-- or excuse me, the buffer area that was suggested. Also limiting the number of dwellings

-- I think originally asked for 75. They have dropped that down to 65. I will pause at this point and see if you have any questions and

--

[10:53:01]

>> questions for me.

>> Mayor Leffingwell: We will now hear from the applicant and set the timer for 5 minutes.

>> Yes. Mayor pro tem, mayor, council members and I am representing the landowner. On your dais is a packet and also the powerpoint is the same thing. I will run through that. Greg has done a good job describing where the site is with relationship to other land uses. Obviously in the ariel, the property we are talking about is colored in green and this is the latest plan we have for this site, which shows 65 dwelling units which we have agreed to. Shows two accesses to cooper which is still kind of suspect and as far as the access, go north-south through the property. What we are proposing and the neighborhood is willing to accept because we have the support with the zoning change right now is to have bicycle and pedestrian access go through the property and then also to have emergency service access on the north and south side of the property and I am also pointing out the 25-foot vegetative buffer because it is an intense vegetative buffer the neighborhood wants to keep. With these conditions, there is the 25 natural buffer and limiting it to 65 units and also will limit it to two stories in height and the bicycle and pedestrian access to sir gawain, and then there is an 8 fence foot along and it is approximately 10-acres in size for sf2, we are asking for sf6 for the condominium development, the condo parameters are 50 units, we are asking for 65. Traffic would go down even though we have more units by using the ite manual. We are down almost 100 vehicle trips a day. The height is the same under both building districts, peer cities is a little bit higher. It is a condominium development. Compassibility doesn't apply under existing zone but it will apply under proposed zoning. Other items that need to be considered with this development, that the streets under condo development will all be privately maintained and not publically maintained. Pond, the same thing. It will be privately maintained. Yard maintenance will be cohesively maintained individually maintained. There won't be any private restrictions under existing zoning but there will be in proposed zoning. Landscaping will be to code or excess to code. There will be a pest management plan that will be in place with the new zoning and the occupancy of these types of developments is 95% plus ownership which is a big plus in dealing with the neighborhood. So with that, I will offer up that

-- a representative from milestone is available if you have any questions and I am also available if you have any questions. Thank you.

[10:55:58]

>> Mayor Leffingwell: Thank you. Other speakers in favor? Steve. Got a question. Council member morrison has a question for you.

>> Morrison: Mr. Thrower, I appreciate your working with the neighbors, is it a neighborhood association or nearby neighbors?

>> It is not a neighborhood association, it is nearby neighbors, we have 35-40 homes up to our property, up to prince valiant and a lot of them were involved.

>> Morrison: Thank you.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Mr. Thrower, that

-- looks like a street, north-south internal street in the property which it would

-- is adjacent to sir gawain on the north but only available for bicycle access. Did I understand you correctly?

>> And emergency vehicle access.

>> Spelman: Is there a gate on that?

>> It can be gated, dollared, whatever the fire department wants for that. We don't want to have a full gate because we want some free access for pedestrians and bicycles, but the bolllar for the gate will only be for the fire department.

>> Spelman: I understand that. Talk about the width of the street, the surface area. Is it going to be the same as the street? The width of the street or are they going to be substantially different?

>> Well, a little different, a public roadway is 30-foot minimum, 36 if in sf zoning and then 30-foot on each side of that. And for this particular private development it is a 25-foot paved driveway, it is and 25 meets the fire department emergency service standard.

>> Spelman: So lanes of approximately 12 feet on either side. Will there be parking on either side of the internal street?

>> There will be units. I wish we can pull up the exhibit again. There will be units that front that driveway and there will be parking in between the units and the drive.

[10:58:07]

>> Spelman: Okay, so there would be parking on the internal drive?

>> Not on the internal drive. If I can go to this exhibit.

>> Spelman: Please. I can see it now.

>> You see the units that, the front towards the internal drive. There are driveways there. The driveways for those units have access to that internal drive. So there is no parking allowed in the 25-foot paved area.

>> Spelman: If I were to refer to it as a street, there would be no parking on the street?

>> In this instance, question, colhollow keyly?

>> And I understand there is no development south to you yet but at some point the development of the reserve area

-- somebody might buy that and decide to develop it. At that time there may be a call put on the opener of your property to bring sir gawain all the way through and I want to make sure it's technically conceivable, whether we do it or not or whether the owner of the property chooses to do it or not. It would technically be possible for it to happen because the street is sufficiently wide and made of sufficient material for that to happen. It sounds like that would be at least technically possible. Is that accurate?

>> It's technically possible, yes, but in this particular instance you need to understand further that a public roadway with a 50 or 56-foot road right away would impose 25-foot setbacks beyond that. So that's 100-foot swath that would come out of here to make public roadway.

>> Spelman: I understand for a public roadway you will lose a lot of units. I understand from your point of view. But if we drive a private driveway, it would be feasible to turn it public down the street and then have that back be [indiscernible]

[11:00:11]

>> that is true. Yes.

>> Thank you, sir.

>> Mayor Leffingwell: Council member riley.

>> Riley: Mr. Thrower, we have heard concerns from the neighbors about conditional long cooper lane. Cooper lane in that area is relatively unapproved road, no curb and sidewalks, no curb and gutter. And people have concerns when they put their garbage out there, people have to go on the road. There is women

-- people pushing strollers down the street and may have a risk of getting hit by cars, especially with increased traffic on the roads and sidewalks. I understand your client may be willing to help out with that even beyond what might be required by code?

>> That is correct. Well, first, I want to point out like almost every road in austin, they all started out as two lane roadway. There is no doubt that cooper lane is in need of moneys for improvement. We will be approving the neighborhood traffic analysis the street front entrance property but we are willing to put additional moneys into the city of austin for sidewalk improvements nor that area. We talked in round numbers about \$25,000 for that.

>> Riley: Okay. Thanks.

>> Thank you.

>> Mayor Leffingwell: Shall we go to the other speakers in favor. Steve walka. Steve walka.

>> Mayor, council members, steve walkup, land development manager for milestone community builders. Here to answer any questions you might have, specifically about our company and what type of product we are going to be building within this development.

>> Mayor Leffingwell: Okay. Thank you. I see now that you had not wanted to speak. I appreciate your being here.

>> That's fine. Thank you.

>> Mayor Leffingwell: We will go to the speakers opposed. There is one: Emily driskill. Emily driskill here? Apparently now we have no speakers in opposition, so this is ready for first reading only. Is that correct, mr. Guernsey? Entertain a motion on this item. Council member riley.

[11:02:29]

>> Riley: First I would like to ask a question of staff. Greg, we have heard that the applicant is willing to contribute some \$25,000 towards sidewalk improvement along  
-- sidewalk improvement from Matthews to Ditmar. I understand there will be about 3,000 for the buffer  
-- the first question is, I haven't looked at how this section of Cooper Lane would rank in the sidewalk matrix, whether it's reasonable to expect that we might be able to get sidewalk improvements in that area, in the foreseeable future. So I want  
-- that's one question. Is there any way that we could expect that  
>> and secondly, is there a mechanism you can suggest whereby we can secure those funds so that they would be available for when we are ultimately able to install sidewalks?  
>> Guernsey: Well, council member, if this motion  
-- if you have a motion and it's successful to approve this on first reading, we can meet with our public works department and see how this roadway ranks and see if there is maybe even neighborhood partnership money that might be, you know, able to be put forward to this. In addition, the other park  
-- normally we would not condition a zoning change but for the contribution. So we can work with the law department and see what options the property has to help mitigate some of the sidewalk issues in the neighborhood.  
>> Riley: Okay. Mayor, with that in mind, I would move approval subject to the  
-- with the direction to staff as suggested by Mr. Guernsey, specifically that we ask staff to take a look at the sidewalk matrix and we also ask staff to identify some mechanism, whereby we might be able to secure some funds from the applicant for sidewalk improvements along Cooper Lane from Matthews to Ditmar.

[11:04:37]

>> Second.  
>> Mayor Leffingwell: Motion by council member Riley to close public hearing on first reading. Seconded by council member Morrison.  
>> Riley: And obviously I would like to  
-- [bell ringing]  
>> Mayor Leffingwell: You can disregard that, council member. It wasn't for you.  
>> Riley: To integrate the conditions that have been discussed previously. Is that the staff recommendation already?  
>> Guernsey: Actually, the staff recommendations comes from the commission's recommendations which differs from what the applicant just offered to you. Probably the most significant difference between what Mr. Thrower has agreed to with the neighborhood is that there would not be full access.  
>> Riley: Right.  
>> Guernsey: To Sir Gawain, and so if you approve what the applicant is requesting, that's probably the biggest between the commission's recommendation and Mr. Thrower's request.  
>> Riley: And I would

-- I would move that we approve the

-- we approve it with the conditions as suggested by the applicant including providing public and pedestrian and bicycle address with emergency address south of circle lane.

>> Mayor Leffingwell: Council member riley amends his own motion. Is that accepted by the second?

>> All right.

>> Mayor Leffingwell: But, again, with those revisions, it's first reading only. All those in favor, say aye. Opposed say no? Passes on a vote of 7-0.

>> Guernsey: Thank you, remaining zoning case is item 156. This is a zoning change request for case number c14-2014-0087 with the property located at 2103 west slaughter lane. This is a zoning change request to lr and mu zoning and amended request. The property itself is .76-acres in size. The planning -- the zoning and planning commission's recommendation was to grant lr and mu co combined district zoning with the condition overlay that would allow for personal improvement services, personal services and all no neighborhood office uses and applicable site development regulations in maintaining the remaining sf2 zoning for that portion of the lot that fronts all along all red drive. The property owner would like you to consider an additional use and she will be able to explain that in more detail, to allow general retail sales convenience as a permitted use. The property right now is a vacant building. She mostly in the past is a personal services use, I believe a tattoo parlor previous use. To the north, the h-e-b parking center along with other retail and restaurant uses. To the south is zoned sf2 in single family residences and to the east is undeveloped an financial services. That property zoned gmou-co and mu and lr and cu

-- to the west is lr mu co and single family residences and offices. With that, I think I will pose

-- I don't think there is neighborhood opposition. Just the owner who would like to speak to you today.

[11:08:15]

>> Mayor Leffingwell: Staff recommendation is to deny?

>> Guernsey: Staff recommendation was to deny the request. Previously we had zoning case that is planked this on the east and west and the recommendation is basically consistent with previous actions that may have been taken by commission and council. The zoning and planning commission did recommend the lr-mu which is similar to the property that's zoned to the west. It was not that way when it came to you originally to city council. City council, at the end changed that request. The property to the east is still zoned go-mu-co so would not allow retail sales immediately east of this property, east of the property line.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: So are you uncomfortable with retail in general, is that? You think it should be the

--

>> Guernsey: That was staff's position. I think the commission, given there was a couple action that was taken previously, consider some of the retail uses on this property and as I said, the owner would like to ask one more additional use. I will let her explain that.

>> Morrison: Do you see retail as generating more traffic on to slaughter? Why were you

-- why was staff

--

>> Guernsey: There is a concern about having the property next door also going into retail, which is the entryway back into the single family neighborhood. The properties are relatively small. Depending on types of uses they will be somewhat condepending on the parking and the recommendation.

>> Morrison: So staff recommendation was only recommending changing the zoning on the portion of the lot that is north of that lot line?

[11:10:16]

>> Guernsey: That's my understanding and to really limit only to two your of the uses that go beyond the no district zoning so they made it more restrictive for the office type uses that may be allowed but still allowing for a little more relaxation on the Irus that would be permitted, the two additional uses.

>> Morrison: And I see they also have a recommendation for no development standards.

>> Guernsey: That's correct.

>> Morrison: I imagine it's pretty limited any ways?

>> Guernsey: Yes.

>> Morrison: Thank you. So sarah delaram is here and she can speak to the additional request that she has.

>> Mayor Leffingwell: You are the applicant, correct? So you have five minutes.

>> So what I want to do there

-- my dad owns the property. It has been vacant for a while. I graduated with u.T. With a math degree and did u.T. Program as well. Teaching has always been my passion. That's what I want to do. I want to help the students do better in life, and my goal here is to use this property and turn it into a tutoring center and which is what is grant owned under the principle and improvement services but I need retail because I want to be able to sell books and school supplies in order to put money into the tutoring service. Because I want to help students that are low income as well. With having the retail, that can help put money into the school that can help the students as well, and we are going to have specific learning plans that will help these students, so it could be somewhere where they can hang out after school and it's towards their education. We definitely want to make that better, and create more jobs for them and I am going to work with you teach as well, because I graduated in the program, and I will have their support hopefully. It's going to help out the community a lot. I want to get these kids involved with the community. I have a true passion for teaching and I think I can do a lot with just this land, having this alone. I just need one more thing added to it so I can just start. I have my business cards made. The building is already there. I just need to put carpet and I can just open it and I am hoping to get it opened before school starts so they can just

-- it can all be ready. My friends, I have that graduated from u.T. Are going to be helping me out, with the tutoring and all of that stuff as well. I need just one more thing added to it and we are good to go. And the property adjacent to the left also has retail so ...

[11:13:06]

>> Mayor Leffingwell: Thank you.

>> Thank you.



>> Mayor Leffingwell: That's all the speakers we have on this item. Council member martinez.  
>> Martinez: [Indiscernible - no mic].  
>> Mayor Leffingwell: Close public hearing and approve on all three readings. And that is the -- of zoning and planning collision recommendation?  
>> Martinez: Yes.  
>> Mayor Leffingwell: To approve. And so second by council member spelman. Further discussion? All those in favor, say aye.  
-- Council member spelman.  
>> Spelman: Greg, is it ready for all three readings?  
>> Guernsey: It is ready for all three readings. I want to be clear, if you are going to add the additional retail sales convenience use as the applicant has suggested or are you only taking staff recommendation, which does not include that additional use?  
>> Mayor Leffingwell: The motion as stated was for staff recommendation and so it can always be amended. Council member martinez.  
>> Martinez: I assumed that what -- I assume that staff recommendation included retail sale? Maybe I wasn't paying attention?  
>> Guernsey: No, it did not. She was asking for that after the ...  
>> Martinez: I will inamend it to include lrmu by the applicant.  
>> Martinez: Self-amendment by council member martinez. Council member spelman, are you okay with that?  
>> Spelman: Greg, why would you recommend against that?  
>> Guernsey: I was trying to clarify that the applicant is coming forward and asking for general retail sales convenience, I want to understand if it is a z apr condition, then if it's to amend that one use and then we can add that to the law department and go on.  
>> Spelman: I thought I heard you saying that staff was recommending denial of that provision?

[11:15:08]

>> Guernsey: No, just asking for clarification of what your motion was.  
>> Mayor Leffingwell: So that's accepted by the second. That is the motion. Council member tovo.  
>> Tovo: Mr. Guernsey, I have additional questions for you. So staff's recommendation would allow this owner to open up a tutoring service?  
>> Guernsey: Yes, the to-mu-co, I don't believe prohibited the personal service  
-- I am not sure about the personal service fees that she is asking for, though. Vy to look back  
--  
>> Tovo: Staff's recommendation was lr-mu.  
>> Guernsey: It was to deny lr-mu as requested.  
>> Tovo: That was the zoning and planning commission's?  
>> Guernsey: Staff recommendation.  
>> Mayor Leffingwell: I mean the zoning and planning commission was lr-mu which would allow the applicant to open up a tutoring service?  
>> Guernsey: That's correct but would not allow the additional retail sales of books and school supplies

that she was suggesting.

>> Tovo: And that's

-- you said might not allow it. I was trying to get to the heart of. If it's Ir-mu and not general retail sales and it doesn't have the amendment that the maker of the motion and the seconder just added, is she allowed to sale books and supplies within a very limited degree?

>> Guernsey: I would probably say no because the zoning and planning commission's recommendation limited only to no uses and in the site development standards and that does not allow for the retail sale of goods and services. So if you were to add the one use as she suggested, that would allowmer to do that, and then

-- allow her to do and then stay consistent with the planning commission's recommendation.

>> Tovo: Are there other ways to achieve that that would allow her to have some limited ability to sell books and school supplies without

-- without adding general retail sales?

[11:17:15]

>> Guernsey: We could take a look at and see if the supplies were directly related to the tutor, tutoring, to see if it might be an accessory to that. But it would only be limited to probably 10% of the floor area and I might be speculating

-- I am speculating that she might be selling things that are not directly related to the tutoring. It might be related to school supplies but maybe not directly related to the tutoring that she does. So we would -- it would

-- it would be a much finer grain that we would have to take a look at.

>> Tovo: But there would be a way

-- it sounds like there is a way to achieve that objective?

>> Guernsey: Possibly. I think we have to sit down with her and find out exactly what she's selling and what the business is in order to really

-- in her business in order to really make that determination.

>> Tovo: Thank you.

>> Mayor Leffingwell: Okay. Amended motion on the table with a second. For all three readings. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. So we just

--

>> Guernsey: That concludes your zoning for today.

>> Mayor Leffingwell: Thank you, mr. Guernsey. Happiest man here. So we only have ten minutes before our break. I would

-- without objection, we could take up item 173, which has no speakers. It is a public hearing considering renaming of rosewood recreation center.

>> Cole: Mayor, I move approval of this item of renaming of rosewood after ms. Dolores deficient any who has been long

-- duffy who has long term community service.

>> Mayor Leffingwell: Motion to approve the renaming. Seconded by council member morrison. Any further discussion? Opposed? Aye. Passes on a vote of 7-0. Likewise number 174 has no one signed up

to speak. Conduct the public hearing and approve a resolution reauthorizing the east 6th street pid.

[11:19:36]

>> Good evening. I am from the planning and development department and I want to close the public hearing and after the public hearing and after that reauthorizing the 6th street public improvement district and as part of that we will adopt five year budget and adopt sixth street public improvement district. Congress first authorized it in 2004 and reauthorized it in 2009. It comes as approximately 25-acres. Boundaries are roughly i-35 on the east, congress avenue on the west and [indiscernible] to the side of east is 6th street. The city has received petitions regarding reauthorization, requesting owners of more than 50% of the present value of equitable real are property in the assessment and 50% of the record owners of property. As required by state law a five year service plan was prepared with four primary service areas, infrastructure and physical improvements, public safety, communication and membership and market and funds r fundraising and economic development. The budget for these is approximately \$140,000 per year. Proposed pid will assess at 19-cents \$100 value with number of exemptions including val \$500,000, and home

-- in homesteads. Pursuant to section 372 of the local government code, property owners have been notified of this public hearing and if there are any questions, we are ready to proceed with public hearing. Questio questio ns for staff? Mr. Spelman.

>> Spelman: Any changes here in the pid?

>> Only change is in the assessment rate. It was 17-cents and they raised it to 19-cents.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Council member spelman moves to close public hearing and approve the resolution.

>> Cole: Seconds.

>> Mayor Leffingwell: Second by mayor pro tem cole. Discussion? All those in favor, say aye. Opposed say no? Passes on a vote of 7-0. We can try to get in 169, and without objection, council and it has two speakers. Go ahead mr. Guernsey.

[11:21:52]

>> Guernsey: Number 169 is conduct a public hearing and consider an ordinance amending city code chapter 25-1 and 25-4 relating to requirements for parkland dedication and the manner of documenting apmixble requirements for subdivisions

-- applicable requirements for subdivision. Briefly, staff actually brought this forward because we had a number of property owners that were coming to us, realizing that back in the 1980s and '90s and even in 2000s, as a matter of convenience, when a subdivision came in and the owner thought it was going to be used for commercial, basically nonresidential use, they were more than happy to place a note on the plat sayingly use this property for nonresidential uses, whereby they weren't required to pay any park land dedication fee because they weren't going to build businesses. And so time has changed, the market conditions have changed. Now the people want to come back and the property owner would like to consider residential, maybe do mixed use and unable to do because of the no. After a long discussion

with our law department and that this note and r and recognizing that subdivision plats do not regulate land uses, staff is of the opinion and I've written memos that allow people to go forward to do residential projects, as long as they get to site plan, pay their park land dedication fees which is now required as part of the site plan process. This amendments will recognizes the building permit process, and let them go forward and they have done that a couple of times. Very comfort about that after discussing it with the law department. For almost over a year. The problem is that there is some hesitancy by financial institutions, they still see a note on the plat. This will allow someone to come forward, not to remove the note but to allow the note to be altered, to say they would have to be compliant with our park land requirements if it's used for residential use. With that, I will pause. I am not aware of any opposition I think comes before you today. I

-- coming before you today. I had requested the postponement of you because of an issue raised by the real estate council of austin. They ask that it go forward today on first reading at least, and I will work on them on the issue that's not even related to I think the actions before you but related to capital recovery fee but I will pause.

[11:24:22]

>> Mayor Leffingwell: We have two speakers. First it's jeff howard.

>> Thank you, mayor, hello again, council members, my name is jeff howard, I am a local land use lawyer and real estate lawyer here in austin and I am fully in support of this proposed ordinance amendment. As somewhat a land use law nerd, this issue is very exciting that you are actually taking up plat notes. [Laughter] plat notes have been used historically, frankly, in the wrong way. And improperly and as a matter of expedience, as greg mentioned, so this particular plat note that has been used for expedient reasons has been used merely to implement the park land dedication requirements that's all, not to restrict land use. Well, law of urn intended consequences

-- unintended consequences, we find ourselves

-- time has changed and suddenly what is a matter of expedience has become a real problem, a real problem in the city. It's preventing affordable housing from going on in certain places where it makes sense to do so. I am fully supportive. The only comment I would ask that you all consider is, as greg mentioned, we are amending chapter 25-4. That's just the subdivisions in the city. The city also regulates subdivisions in the etj. That's in title 30. This plat note appears in plats in the etj as well and so I would just encourage the city to also pursue amendments to title 30 which will make the same types of changes. That way we are consistent everywhere that we have subdivision jurisdiction. With that comment, I will be happy to answer any questions you may have. Thank you.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Yes, I assume that the second point in the email you sent us has been resolved in relation to triggering a new plat, if you are solely amending the plat for park land use?

[11:26:28]

>> I think that's what staff is going to be resolving between first and second and third reading.

>> Martinez: Great. Thank you.

>> Mayor Leffingwell: Richard Suttle.

>> Members of Council, I do practice real estate law but I don't get excited about this.

>> Mayor Leffingwell: You don't admit to being a nerd, either?

>> I am a nerd but I don't get excited about this stuff. It is a cleanup ordinance. I represent a client who has a piece of property that he originally thought at intersection it was going to be retail and since zoned GR-MU and has an opportunity to do residential and because of the plat note he can't and to be able to amend it to say no residential unless you pay your park fees is a good deal and I hope that my brother doesn't make this any more complicated than it needs to be. It is a very simple amendment. It's fine the way it is. I can understand with the ETJ but I hope it doesn't get boiled up and complicated and I hope you approve it. I will be glad to answer any questions you have. Enterta Enterta in a motion on item 169.

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem Cole moves to close public hearing and approve on all three readings.

>> Wait a minute.

>> Guernsey: In order to address the second issue, I can do first reading and probably be back next meeting and third reading. Also, it is my intent for Travis County

-- there is a certain protocol for this to move it to Title 30 that will require us to meet in advance at least 30 days, so if this is successful, my intention is to keep going and doing that but this will come back as part two of this after we have spoken to the county and make sure they are comfortable with what we are proposing?

[11:28:33]

>> Mayor Leffingwell: Mayor pro tem, did you want to change your motion?

>> Cole: Yes, first reading only.

>> Mayor Leffingwell: Close public hearing, first reading only. Is there a second? Council member Riley seconded. Council member Spelman.

>> Spelman: Change Chapter 25 on all three readings and then you can come back with another similarly popular motion to change Chapter 30 after you have had a chance to talk to county, why should Chapter 25-4 wait 30 days until you talk to the county about Chapter 30?

>> Guernsey: My stakeholders I have been discussing this with, I said originally we were talking about postponement. We talked about only doing first reading today so there might be a party out there I am not aware of, from the impression we are only going to do first reading today. I said they were, Rica said they are fine with that and the only problem is the issues with the stakeholders I had today and there might be somebody that I may have missed that is expecting

-- that would not be expecting than what I offered today.

>> Spelman: Fair enough.

>> Mayor Leffingwell: Sounds like an argument for going ahead and doing the 25-4 and then maybe there is something else that would be different on Chapter 30.

>> Guernsey: Title 30, we would have to go back through a process to do that because of posting, because we are not posted for that today. So I would have to come back any way to do that. [One moment, please, for change in captioners]

[11:39:41]

>> Mayor Leffingwell: Welcome to proclamations. Normally, as you know, we have live music at this time, give local entertainers an opportunity to show their stuff, get a little publicity down here at austin city hall. We don't have that because

-- tonight, because we're on temporary duty at the commissioners court building, so I think it's very appropriate that we have a proclamation tonight for a musician, anyway, even though we're not having live music, we're still talking about music. Denny freeman, I see he's got a big fan club out there, by the way. [Cheers and applause]

>> Mayor Leffingwell: Denny, I'm told you're a south austin icon. Like myself, you know, you and I might have that in common, both hanging out in what we call near south austin, in those ancient days way back there. I know you've made a big impact on the culture of south austin too. Not just south? So there is something else besides south austin, huh? Okay. (Laughter.) so I'm honored to honor a local man with this proclamation, which I'll now read: Be it known that whereas denny freeman has been a professional guitarist since the age of 25 and has earned the praise of audiences and fellow musicians alike, and whereas denny was lead guitarist for the cobras, angela stray lee, lieu ann barton, and the famous antones house band, and helped spread the gospel of austin as it was becoming a musical destination way back then, and whereas he continues to contribute his talents to our city's musical landscape and inspire young musicians with his regular appearances at the saxon club, continental club, the gallery, and elephant room, and whereas, as in accepting his hall of fame award at the 2010 austin chronic cal music awards, mr. Free man promised to make austin look good as they go out into the world. Something he's done for 45 years now, and whereas we're pleased to recognize denny freeman's amazing talent and his contributions to making austin the live music capital of the world, now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do proclaim august 7th, 2014, as denny freeman day in austin, texas.

[11:42:30]

[Cheers and applause]

>> thank you, mr. Mayor. I know it's been a long day, around I am not good at speaking like this. I'm used to being on stage with my buddies and behind a guitar, but I have to spend a few minutes trying to express gratitude for

-- well, there's not enough time to express gratitude, all that I have. But before I forget, I have so many friends here, I mean thank you for

-- [cheers and applause] thank you and everybody

-- I keep thinking there must be some mistake, but I'll accept it and I appreciate it, and I'm a

-- it seems funny to be honored for being so fortunate, but I love this town. The first time I came here was in '69 with some friends. I grew up in dallas, in hillsboro, and that was all great, and I went to california looking for what I thought I needed. I had never been here. And when I made a return visit to austin, I was going to

-- I was going to go back to california, but some friends of mine

-- I came down here for a visit to some friends of mine. And the first day I came here on my visit, before the day was over, I fell in love with the city and was determined to move here. This was in, like, late '69. And there was music here, and there was music here before I got here, but it wasn't a music city at the time, it was just

-- I can just tell that one day, that

-- I i've just got to live in this town. And that was a long time ago. So it took me a minute to get here. And then I had to leave for a while, and now I'm back. And I can't

-- it's hard to imagine living someplace else. Maybe some day I'll live someplace else, but I've lived here off and on since 1970, and it's a lovely place. And the first day I came and decided that I wanted to live here, it was just

-- the city on the whole, just

-- there was something about the vibe of it or something, beautiful girls everywhere, but the city was just great. And there wasn't really that

-- there was music here, but not

-- not like later. And so there was something that the city itself, I felt, I saw and I felt it. And of course over time, things change, and now the

-- what means the most to me about the city is that now it's the people. It's the people. The music's great and everything, obviously, but the people are

-- that's what austin is to me now. And I'm really fortunate for just an awful lot. So thank you.

[11:45:28]

[Cheers and applause]

>> come on, denny, let's take a picture.

>> Mayor Leffingwell: Thanks a lot. Congratulations. We all know how important education is for our young folks here. And critical to children being able to learn, of course, there's a lot of things that are critical, but certainly one of the most important is the ability to see well. And, unfortunately, many times children need a little bit of help in order to see well so that they can read and comprehend, and that's where

-- that's where these folks come in, furnishing those eye examinations to determine what problems there are and how to correct them and go about helping young people achieve. So I have a proclamation in honor of vision is for learning month, which reads: Be it known that whereas children are preparing for the start of another school year, but many, up to 25%, will begin their studies with undiagnosed and untreated vision problems. And whereas traditional eye exams will not diagnose the problems experienced by children who have trouble with their reading vision, causing them to skip or reread lines, to have poor reading comprehension, to take longer than siblings to do their homework, to reverse letters when reading and writing, and to have a short attention span while reading or doing homework, and whereas developmental optometrists can test for vision problems that may be interfering with a child's ability to learn, families are encouraged to see that their children's eyes and visual skills are checked so they can learn and achieve their full potential in school. Therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim august 2014 as vision is for learning month in austin. I'd like to welcome

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[11:48:37]

[applause]

>> Mayor Leffingwell: Dr. Jennif dr. Jennif er idoni. That's a good name for an optometrist. Right?

>> For millions of parents, back to school means back to the search for answers to their children's learning difficulties. While many parents are hopeful the new teacher will have the magic answer, others are just as frustrated as when the previous school year ended. Statistically, more than 60% of children who struggle with reading have underlying vision problems contributing to their challenges. Here in austin, at stars in your eyes vision training center, we have seen a number of children who struggled for years before finding out they have a vision problem that was interfering with their learning. If your child struggled with reading, prefers to be read to, has difficulty with comprehension or reading fluency, or takes longer than it should to get homework done, it would be wise to schedule a developmental vision evaluation. August is national children vision and learning month. As the new school year rounds the corner, august is the perfect time to make sure your child has all the visual skills required for academic success. Stars in your eyes vision training center officer complimentary consults and screening to make sure your child has all the visuals necessary to reach their full potential at this school year. Thank you, mayor. [Applause]

>> come on around. Well, being a mom and being active in the pta, nothing gives me more pleasure than the resolution and proclamation that I'm about to issue now, which

[11:50:43]

says: Be it known that whereas dos elementary introduced boltage three years ago to encourage more students to walk or ride their bikes to school, students, using a tag on their backpack and passing under the boltage pole, and whereas students earn incentives based on the number of beans and ultimately have a chance to win a new bike donated by mellow johnny's bike shop after they've gotten 100 beans; and whereas since the introduction of boltage, the number of bikes on campus has increased from 15 to a hundred daily, 400 students participate

-- participated in boltage last year, and beaned in more than 18,000 times; and whereas more parents gather on campus each morning as they walk, on bike, their children to school. Children are more alert and better prepared for the day. The line of cars is much shorter, and doss happier for this cultural change. Therefore, i, lee leffingwell, mayor of the city of austin, do hereby recognize the principal, faculty, and parents for supporting the successful program, and do hereby proclaim that 2014-2015 school year as boltage year at doss.

>> Thank you! That's so nice! Thank you so much!

>> Hi. I'm principal janna griffin and it's an honor to be here today to accept this proclamation. I couldn't -- I didn't do this by myself, obviously it's the kids and the parents that have really made this happen. It makes me think back on when I was a kid. I lived in a really small town and we all either walked or biked to school, and it was just such a small community feeling. And here we are in austin, texas, in this great big city. But in northwest hills, at about 7:30 in the morning, it feels like a little small town, because you



see parents walking, hand in hand, or biking with their kids on the way to school. And what's cool, you'll see that little bitty kid just trying, like the train that said I could, and the parent waiting patiently. It's really changed our culture and I'm grateful to those who helped make this happen. I want to say a special thank you to the Doss Ta. Dede church is an active parents at Doss elementary. Her two children, Sam and Rile are active in the program, and Dede church is really instrumental on making this happen at Doss so thank you, Dede. A special thank you to Will Black and Mellow Johnny's for all of the sponsorship that you have done for us at Doss. And thank you, Mayor.

[11:53:31]

>> Thank you. Let's take a picture. [Applause]

>> Come on up, everyone. So today is an exciting day to be able to recognize someone who has been working in our community and been extremely effective in helping to move the community forward and helping the community to express themselves, and that person is Curt Cadena-Mitchell, who has been with Gava, for -- how long?

[11:55:50]

>> Two years.

>> For two years. And we're taking this opportunity to recognize him because he is now moving on to a new position. And let me just say personally, it's just been a delight working with Curt. And I think that we are so fortunate to have folks that are -- like Curt that are willing to dedicate themselves and work with the community advocating. But I want to specifically note that we need a new generation of leaders, and Curtis definitely an example of one of those leaders that the community is lucky to have. So, Curt, I would like to read this certificate of appreciation from the City of Austin, for his service with the Go Austin Vamos Austin, otherwise known as Gava initiative as the community programs coordinator. Curt Cadena-Mitchell is deserving of public acclaim and recognition. During his tenure, Curt worked tirelessly to allowing Dove Springs residence, organizations, city agencies and other stakeholders to galvanized consensus and action. He has invested tremendous time and effort to build the capacity and leadership of dozens of community leaders, helping them to find their own voices and advocate on behalf of the community. Gava at Dove Springs now has more than 800 community resident partners and almost two hundred organizational partners. Together they have succeeded in bringing significant funding for infrastructure to the neighborhood, some from the city, increased park utilization, and are moving forward strategies to improve healthy food access. As Curt moves to his new position as an equity specialist with the Health and Human Resources Commission, we want to recognize his past achievements and to wish him well with his new endeavors. This significant is presented in acknowledgment of his work on behalf of our community, this 7th day of August, in the year 2014, and it's from the City Council of Austin, Texas, the Mayor, as well as all six Council members. So, Curt, thank you so much for your work, and before we give you a minute to speak, I wanted to invite Ophelia, did you want to come up and speaking briefly?

[11:58:09]

>> Okay.

>> Okay.

>> Thank you. As a resident in dove springs and leader with austin interface, curt, you have really inspired many people to take a risk, get out of their comfort zone, and to become leaders. And so we appreciate all that you've done for our neighborhood, and we wish you the best.

>> Thank you. [Applause]

>> thank you. And I'd like to say just a few words to say I'm so happy to receive this recognition from you, council member morrison, not only for your exemplary record, for public health and youth obesity, but particularly for your attention to underserved neighborhoods, including dove springs, something you never had to do, but something you chose to do, and I'm grateful for it, and I know the community is grateful for it. And I'm especially pleased that, true to the spirit of gava and community leadership, this recognition was organized not by any staff person, but by community members and leaders who did this on their own time, which really speaks to me that even though I'm moving on to a new position, the work and achievements will continue because there's such a strong team of community members who have been trained and developed and who have relationships with one another to achieve great things. So I'm very pleased for that, and I want to say that I'm so proud of our city today for unanimously passing resolutions related to services for undocumented children in our state, and what it makes me think of is, when I first met leaders in dove springs, it was almost five years ago. And the first impression I had of neighbors and residents in dove springs was their spirit of generosity and hospitality, and that's been an example they've shared with me every day and inspired me every day that I've had a chance to work with them. And I think it's the heart of the city of austin, and that heart of the spirit of generosity and hospitality was shown today by that unanimous passing of those resolutions. So I thank each of you for your service, and you as well.

[12:00:21]

[Applause]

>> come on up. I'll be glad to give you guys an opportunity to come, too.

[12:02:26]

>> Oh, I don't need an opportunity. We're fine.

>> Okay. The last proclamation. Hey there. I'm council member chris riley and it's my great pleasure to be able to recognize some citizens who have done just some outstanding and valuable work to the city just recently. If you watched the council meeting this morning, you know we took some very significant actions on a very important topic, water. Water is a matter of tremendous concern to everyone in the austin community these days, and so a few months ago we pulled together a water resource task force. And you can imagine as we set out to appoint the members of that task force, we got all kinds of input about exactly who should be on there. No shortage of people wanting to serve or suggestions about who should be on there. A lot of familiar names. There was one unfamiliar name that kept coming up,

though. Several people suggested this person, who I frankly had never heard of. But I saw she was recommended strongly enough that I picked up the phone and gave her a call. And all it took was that one phone call to convince me that sharlene leurig was the right person for that position. I couldn't be more proud of the work charlene has done as chair of the water resource planning task force. And in fact, the entire task force has done amazing things, as shown by council's approval of items this morning. She showed tremendous leadership on this very difficult task. She worked with a lot of stakeholders and city staff understand and she and the rest of the task force produced a document that is going to serve as a wonderful resource for council, staff, and the public. Even though charlene and others might have been newcomers to this particular type of work, in fact, we're kind of in uncharted territory in many ways, the work they did was just outstanding, and they got right on top of the issues and produced a document that's going to be tremendously valuable. I want to thank city staff for their help in dealing with them. We have greg mazaros here from the water utility, and I want to thank city staff for their coordination as we went through all these issues. So I want to go ahead and present a certificate of appreciation to all the task force members, including sharlene and others with us here tonight. First, sharlene, I have a certificate of appreciation, by serving as chair of the water -- the austin water resource task force, sharlene leurig has rendered valuable and distinguished service to the city of austin. Sharlene played a critical role in task force's work and recommendations. She displayed great leadership in working with task force members to provide a robust set of recommendations, we're pleased to recognize sharlene leurig's fine work with this certificate presented the he wanted day of august in the year 2014. Sharlene, thank you. I'm also -- I want to give sharlene a chance to say a word, but before we do that, I also want to recognize the other two members we have here with us tonight and thank them for their similarly outstanding work. Stephen schuster, we thank you for your work, and jennifer, anyone who's been working on water issues knows jennifer well because she's a very familiar face on all these issues and has been for a great time. So thank you, jennifer, for your long-term commitment and outstanding work on this very important topic. So with that --

[12:06:00]

[applause]

>> with that, sharlene, I invite you to say a word.

>> Thanks very much to council member riley and the council for giving us the opportunity to serve the city as we look at our ongoing drought and the exponential growth of the city and how we provide water for its long-term survival and what we hope will be many more years of having the beautiful waters that we have, that are such an invaluable treasure to our community. I want to really extend thanks to mr. Mazaros and the staff of austin water and watershed location who spent so many hours with us in what should have been their personal time, helping to guide our thinking. Many of the citizens of austin and our neighboring communities who came to help shape our thinking as well, and then to also echo what council member riley said, for all of the work that was put in by the many task force members who took time away from their family and from their paying jobs to really do excellent work and to help us look at this with fresh eyes, and also with deep expertise for many years of serving this city. So thanks very

much to all of you. [Applause]

[12:38:28]

>> Mayor Leffingwell: Okay. We're out of recess, and we will begin with item number 166, public hearing only, no action required. We'll go ahead and call speakers. Lori monteria. Stewart hirsch. We're on a roll. Carol majerke.

>> Thank you, mayor leffingwell. Good evening, council members. My name is carol bajetske. I'm executive director of rate paris organization to save energy. I am someone who frequently appears before commissions trying to make changes, you know, within the city, and I also serve on the resource management commission. And I have to say that when I from the transition task force, I was kind of blown away because it was a job I was not willing to undertake myself. It's not something I would have readily volunteered for because I thought it would be very difficult, and I was very impressed with the way they managed to break the problem down into segments and come up with a solution that looks very workable. So that I think this they did a great job, and I am very grateful for the fact that at the all took the time to do that. Because I know that they had a lot of meetings, and I communicated with some of them in the course of it. But I have three suggestions, three comments that I would like to make. One is about the joint committees. There are three joint committees that I saw in the report that would be made up of members of other commissions. I very much support this idea because I think that one of the problems that we have with our commissions now is that a lot

-- thiser so focused on a particular area, that we have issues that overlap between and among city departments, you know, utilities, and that there is a need to do something to try and bring people together so that we can look at solutions that take into account the impacts to  
-- you know, like other

-- other parts of the city. What the report doesn't do is it doesn't explain how to joint commission will work or how it relates to the regular commissions. And so I really urge you to spend some time to figure out what that should be. My recommendation would be to put the joint comes in charge of proposals that do overlap departments, and to keep the commissions for proposals that really are more narrow and only affect one city department. That's one way to look at it. But this, to me, is something that needs to be defined before we move forward with the

-- with the proposal as it now stands. I'm very happy about the fact that the task force recommended keeping the austin energy low income customer advocates group because that is

-- I think that it did some very important work. I served on that group. I think there's a need to keep an eye on the impacts of utility actions on low income consumers all the time. And I guess I'm out of time, even though I have one more idea, but I gave you something in writing, and it's spelled out in there.

[12:42:17]

>> Mayor Leffingwell: We will hear more next time.

>> Okay.

>> Mayor Leffingwell: Thank you. Ann

-- council member morrison may have a question for you.

>> Morrison: Carol, I'm curious, could you just in a nutshell tell us your third comment?

>> Yes. Timing. There don't seem to be any rules that anybody follows about getting information to commissions in a timely manner. And it affects us when we're in the public and we're trying to get information about what is going to be used in a meeting, and I know my own experience is, I go to resource management commission meetings, I walk in the door, and the first time that I see something, it's sitting on a pile in front of me. And I think that we should have some procedural rule that allows us to get that information, like even 48 hours in advance so you have a chance to look at it before the meeting.

>> That's a good point. Thank you.

>> Thank you.

>> Mayor Leffingwell: Angelica noyola?

>> Mayor, city manager, and council members. I'm here to voice my strong opposition to the recommendation by the boards and commissions task force to the quality initiative commission. The community overwhelmingly opposes this recommendation. While both address the cultural arts, it would create a negative impact in the momentum gained to address priorities currently underway. Over the last two years it's continued to address concerns of the development of the street area and preservation of the latino history heritage that existed in the area. The advisory commission was formerly created last year with appointments made to the commission in december 2013. The hqli commission has a task and agenda to implement latino recommendations, they will go beyond the objectives of the mack board. The road to get there was long. We feel merging the two boards will significantly slow any forward momentum that we are trying to achieve. Our latino community is not monolithic. Therefore, the commissions should remain separate and trust and allow the citizens you appointed to both groups to carry out without interruption or at a loss in historical perspective. Please keep both separate. Thank you.

[12:44:50]

>> Mayor Leffingwell: Flanary bolt?

>> Hi. I'm flanary. I'm the vice chair of the commission for women and this is amy. We're both signed up and both members of the commission for women so we thought we'd speak together if that's okay.

>> Mayor Leffingwell: Sure. Go ahead. What's your name?

>> My name is amy wellborn and I'm the current chair of the commission for women.

>> Mayor Leffingwell: Okay.

>> We have great opposition to this report. Their recommendation is to eliminate the commission for women, and they mention in there, because we're just a group that does a little luncheon, first off, we don't do a lunch open at all. We've created the women's hall of fame and we honor female women in our community who have done great things. We do not even serve lunch. So I was very insulted at best as that comment. Their solution was to put one female on the diversity committee, which is made up of a member of all the other commissions, so the other diversity groups would have a commission and then be part of this diversity committee, but they would just put, in essence, just a token female over here that would then deal with all women's issues. Outside of dealing with the women's hall of fame, we do a number of issues, we have a long history of doing a lot of things for

-- some of the projects we've worked on, we've look at wages, child care, we've looked at women's roles in public positions, for example, the police force. Our current project, directive from the city council is to deal with women's health issues and we are currently going out and speaking with various different groups, putting together forums and maki a lot of recommendations. To eliminate our commission would mean that's saying this women's health issue is not important. We won't finish it and we think it's just ridiculous that a women don't need a voice and they think women don't need a voice, because we absolutely need a voice and there's a lot of women here in the city that would agree, so ...

>

[12:46:55]

>> Mayor Leffingwell: Okay. So are you going to speak also?

>> No, no. We're done.

>> Mayor Leffingwell: Okay. All right. Well, thank you.

>> Mayor?

>> Mayor Leffingwell: Council member tovo.

>> I just want to thank you both. I know you've been here for a while waiting to testify. I appreciate you staying and making that point. I agree agree. , Inc. That's a position that should remain.

>> Mayor Leffingwell: K naranjo? Mitchell rappaport? Peter sesareo? Thomas dodd.

>> I think I accidentally signed him up when I was signing up a minute ago. Good evening, makers council members. My name is t. J. Dodd. I'm the business member for 1250 members of the plumber and pipe fitters union 286 located here in austin. I'm coming before you today to express our concern of the merger of several important advisory boards serving this council. The plumbing and solar board, building and fire code board of appeals, which I understand are recommended to be merged into one board. The building codes were established as a minimal safety standard for the construction of buildings in the jurisdiction which adopts these codes. The uniform plumbing code and the uniform mechanical code have been adopted by this council to set these minimum standards. These codes, although actually written by experts in both fields, have been amended, have to be amended, interpreted, and enforced. The committee which currently makes this recommendation is comprised of citizens that are experts in these fields. These committee members either design or install these systems throughout austin on a daily basis. They are truly qualified and have a long history of serving the council well. If the council decides to merge these boards, we will lose a great deal of expert advice. The plumbing code is not interchangeable with the mechanical code nor the electrical code. I will venture to say if you want to know how to safely install an electrical system in an elementary school, not one of you would ask a plumber or sheet metal worker. You would ask an electrician. The same thing goes for plumbing systems or mechanical systems. I do understand the need to merge and consolidate the many boards which have been established by this and former city councils, but boards that make recommendations concerning the well-being of our citizen, the safe construction of the homes, businesses, and even schools in this city should not even be considered. I'm sure that if the boards are merged, council will appoint citizens that will have the well-being and the safety of the city foremost in their minds, but a board that will make recommendations about coded option and code amendments should be filled with people that can make sound and qualified decision. I ask that the council please

consider leaving the mechanical, plumbing, and solar board, the electrical board, and the building and fire code board of appeals separate. I will also ask you to allow these boards to go to an eleven member board as opposed to the then current seven member board, so they can appoint someone they can trust in taking their recommendations. Thank you for your time.

[12:50:04]

>> Mayor Leffingwell: And your name again?

>> T. J. Dodd.

>> Mayor, question?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Mr. Dodd, there was some talk. One of the reasons, the idea of a merger, as you probably know, has been in the back room for many years, and one of the reasons is because, not too infrequently, someone with a real estate project will have to be at all three of the boards, and scheduling all three of those boards is sometimes very difficult to do. One alternative that was discussed a few years ago was to ensure that all three of those boards meet on the same night. So that if you get a development project which requires approval of the boards, you can meet with all three of the boards at the same time and don't have to come back to city hall. Has that ever been done, to your knowledge?

>> No, sir, for him aware of.

>> Mayor Leffingwell: Have you heard of this idea before?

>> No, sir, I haven't, but I like it.

>> Spelman: I like it too. I still like it too. Thank you, sir.

>> Tovo: Mayor? Council member with spelman, did you say development projects have to go through these boards?

>> Spelman: There were some class of development projects. I'm fuzzy on the details because this is ten-year-old information, the last time I actually had to deal with this. But as of ten years ago, there were some development projects that had to go through one, two, or three of those boards for approval for some variances.

>> Tovo: I see. Okay. Thank you. I thought they mostly dealt with code issues. That's why I was asking that question. Thank you, thanks for being here. It's an interesting perspective. I appreciate it.

>> Mayor Leffingwell: Robert thornton?

>> Hello, mayor and council. My name is robert chap thornton. I'm the agent for plumbers and pipe iffy fitters here in austin. I'm third generation and second generation then austinnite. I'm a former city of austin employee. I worked in the development and review department for nine years as plumbing and mechanical inspector. I'm here the express concern over the task force recommendation to consolidate the three technical boards that advise the planning and development review department, plan, review, and building inspection

-- on those issues. These boards are the building and fire code board of appeals, electrical board, and mechanical plumbing and solar board. I personally worked with the mechanical, plumbing, and solar board and can testify that the expertise on mechanical and plumbing issues is unrivaled. By combining to one eleven-member board, there will be a loss of advisory speeder tease. A combined technical board of eleven members will have to hear, advise, and make recommendations on product approvals, code

adoptions, and appeals for all building trades combined. Any time a specific issue on building mechanical, plumbing, or electrical comes before this combined board, only a small minority within the board will have any specific knowledge of the issue and how it affects that particular trade's installation. Keep in mind that the core purpose of all the technical codes is to provide rules for construction and maintenance of the structures we live in and work in, and to provide a measure of health and safety. A combined technical board will also put more reliance on city of austin staff to provide the expertise needed to make a decision that would affect the citizens of austin, which would defy the purpose of having the boards and commissions. The purpose of these boards and commissions is to provide advice on what is best for the city as a whole, not just city government. Therefore, it is our recommendation that the technical boards remain as they are, but that each of these three boards be increased to include a membership of 11 representatives. Thank you.

[12:53:49]

>> Mayor Leffingwell: So that's all the speakers we have. I'll entertain a motion to close the public hearing. Council member spelman so moves. Second by council member morrison. Council member morrison.

>> Morrison: So this is

-- obviously, the boards and commissions and how we're going to work with this is a big

-- I guess I'm curious? A. Obviously, there's a lot to absorb here and I appreciate being able to have this hearing. I would love to have an opportunity in the future for the council, maybe, to sit around and have a discussion during a work session, and if that would be possible, others would be interested, because I guess the specific question I have is, how is the change going to be drafted, how is a change going to be drafted in an ordinance? I don't know if it's supposed to come from one council member

-- from a

-- as an ifc, or what's

-- all right. Done.

>> Mayor Leffingwell: That wasn't for you. Go ahead.

>> I wonder if I could ask the clerk if she has suggestions or what she envisions.

>> I think it would be helpful if we could place it on a work session agenda where you could discuss it and kind of give us direction on which of the recommendations you would like us to incorporate, and then we could bring back a draft ordinance to you to approve.

>> Well, wouldn't we have to be posted for action if we're going to collectively give you direction of what to put in the ordinance?

>> I will let the city attorney answer how we would properly

-- oh, for tonight.

>> Tovo: No, not tonight, I'm just saying if we put on it for a discussion, for you to get direction about what to put in it, we would maybe have to have discussion and action.

>> And in many cases, the council at work session just has the conversation, and we oftentimes understand what the direction

-- not the direction is, but we get a sense of what council is thinking, and we bring that back, and council can actually add that. But we can always place it on the work session for action.



[12:56:10]

>> Tovo: I think it might not hurt to have it on for action because I think there are going to be some things that are going to be collectively agreed to and there might be

-- there may well be a few things where it just comes down to a division, and so

-- but it would put you in a position of really being able to do a better job of drafting.

>> We will work with the law department [indiscernible].

>> Okay. Great. Thank you.

>> When would you

-- do you have a preference on when?

>> Personally, I mean, it might

-- might take some time to draft the ordinance, so I think it wouldn't hurt to do it sooner rather than later so that we could figure out the direction. And I don't know what the schedule looks like, but if there's

-- I suppose the next possible one is the 28th. Right? We don't have other

--

>> Mayor Leffingwell: I would suggest that we do this after the budget thing.

>> Okay. That's september 25th. Good idea.

>> Mayor Leffingwell: Okay.

>> Spelman: Mayor?

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Might I suggest to coun more son that has, as far as I can tell, one substantive post that was mine, and it worked wonderfully. It did exactly what it was supposed to do. You all could see it. I'm not sure anybody read it other than council member morrison, but she did read it and incorporated it sebastian it should bed extra. And if we were going to include changes in drafts, for us to take a look and see what we were thinking about. So it's another chance for us to do this between now and the 25th of september.

>> Mayor Leffingwell: All right. Now we'll take up item 176, which is, which is a public hearing between the city and cascades.

[12:58:17]

>> [Indiscernible]

>> Mayor Leffingwell: Did we get

-- okay. Those in favor, say aye. Opposed, say no. Passes on a vote of 7 to 0. Richard

-- you want to make a brief presentation?

>> I was going to suggest item 128, the morning item would come before this one. This one is not necessary

--

>> Mayor Leffingwell: I thought what we'd do is do this one first, and then we would vote

-- we're actually calling them up together, then we'll vote on it. I understand that item 28 has to be

voted on first, but this is just a public hearing. Correct?

>> Correct. There's no action on the public hearing.

>> Mayor Leffingwell: So ...

>> Mayor Leffingwell: Well, I'm just performed that if 28 should not pass, then the public hearing wouldn't be necessary.

>> Correct.

>> Mayor Leffingwell: So I guess we can go ahead and take up item 28.

>> Good evening. I'm from the planning department. The backup this evening is the second and third reading for the consent agreement for the cascades. As you recall, this was approved back in february after a public hearing and it's based on a recommendation from the planning commission that included the staff report. Staff still has concerns about using this tool to create a mud at this location for a project that's adjacent to the city limits, with city utility services available. However, if you'd like to approve it tonight, there's two changes to the consent agreement that were passed out on yellow paper this afternoon. They're very minor changes. One of them was removing a phrase from article 8.01 to say -- the first sentence in that section. It doesn't make a significant change to the meaning of the -- the paragraph there. And then the second one was for exhibit o, also a parks exhibit. The final sentence in that exhibit will read the developer will pay a fee. I understand that the developer has some additional changes that he would like the present so if you'd like to hear from richard subtle about those this evening, I'd be able to address those after he explains his suggestions.

[13:00:37]

[One moment please for change in captioners] .

>> Our overarching thought on this was we had provided enough benefit to the city to get your support for doing the m.U.D., And that was a result of the 5-2 vote. We patterned this after your resolution on m.U.D.Es. And we patterned it after mud's that you had done previously and this one did extra because the staff had some strong opinions on why this tract ought to be annexed and not a m.U.D., and if you recall this is one of these tracts that has some old preliminary plats on it, they're the standard acres of small lot houses, no mix of uses and no real imagination and as part of this we agreed to do a pud and replan it and provide a lot of extra benefits. And if you go back and look at your staff report, you'll see that watershed protection said there's 12 benefits and no deficiencies. Urban design, no benefits. Tree mitigation, 7 benefits, no deficiencies. Urban transportation was 7 and 2, but the 2 were we weren't going to give them a ten acres out of 25 acres for a multi-transit site and that we were not in the capital metro service area. But as you recall we've got land right next door that we own that is in the service area. And as we planned this through the pud we could provide once there's user for a bus to do a circulation route on i-35 and bring us in. Public safety, there are two benefits, no deficiency. Parkland and open space, five benefits and then the staff says there's one deficiency and they said the deficiency is you're short on parkland due to the number of people you're bringing out here. But when we talked to the parks department, they said, we're not really short on parkland. What we're short on is money to keep the parks up. And so we reached an agreement where we would do both, parkland dedication and then we had an appraiser appraise the land out there, professional appraiser, and that's how we came up with the fee in lieu and that got the parks folks happy with this m.U.D. Proposal. I can go on, the list is

-- if you don't pick it apart in your staff reports you don't get this but the public facilities folks were happy, drainage folks are happy, the energy efficiency folks are happy. The affordable housing is one thing we're going to ask to change. Water and wastewater is extremely happy because it takes a lot off their financial situation. We assume a lot of financial obligation, and then my personal favorite, art in public places, they're happy too. Am I done? Noo you can continue.

[13:04:23]

>> The changes. Our proposal had always been we had an additional area called the baratti tract that we wanted to be able in the future if we got control of it annex it into the m.U.D. The staff has taken that out as a matter of right and has said if we do that we're going through the city process. We have on the affordable housing issue, we were fine on affordable housing with what previous m.U.D.s are done and that's% of the rent at units at 10% mfi and that's still fine. We were fine at home ownership at 10% of home ownership, at 80% mfi for first time sale. Planning commission added a requirement that we keep that affordable for 99 years. We went and talked to the housing department. That involves a very complicated and yet unworkable situation. We have a land trust and the folks buying the homes can't ever get their equity built up because somebody else owns their equity and our proposal tonight, and we proposed this to staff, is instead of doing

-- we still do 10% at 80% first-time buyer, but in addition we're giving 2% of our net reimbursable bonds to the affordable housing trust fund. We want to add an additional percent to make it 3% of the to the trust fund but not require us to do the 99 year deal because it just flat doesn't work. The other big issue for us, in your city council resolution on m.U.D.s, you have an item that says that bonds would be limited to 25 years, and that's what this whole project was premised on was 25 years, and I'm not a math guy so I can't really figure this out, but when you amortize over 25 as opposed to 15, it's much easier on the homeowners and it makes it to where the m.U.D. Can do more for the community, and the staff has been ad mapt that we only do 15-year bonds, and they EQUATE THAT TO THE PIDs That have been done and that's a whole different finance vehicle. M.U.D.s HAVE TO BE Assessed value agency before issue pids. It's a road district

-- it's a requirement we have the 25 years spelled out in your resolution and not the 15 years. And then finally, oral peters is here and he'll probably address this at some point if he's asked. He's been out there. He's been annexed floght and has had no service, and he's been supportive of our M.U.D.s AND AS LONG AS WE Give him easement to get to the water and wastewater lines the city has built and we've agreed to that. The city staff has in here that we do that today if you vote on this. The problem is your ordinance is not effective for ten days, and so

-- and we won't have the consent agreement signed for ten days, so what we've proposed is we have those easement to him in ten days when the ordinance is effective. And I think peter will tell you that that's fine with them. So we'd like to add in the baratti tract, the additional annexed areas. We'd like to amend the aferreddable housing to do away with 99 years but another an additional percentage point of the bonds going to the trust fund. We'd like 25 years on the bonds, and we'd like to be able to give peter his easements in ten days instead of today, and that's our changes, and I'll be happy to answer any question. I know that's technical and boring, and

-- I'll be happy to try to explain is it.

[13:08:03]

>> Spelman: Mayor?

>> Mayor leffingwell: Any questions? Council member spelman.

>> Spelman: 3% of total bond sales to the housing trust fund, that's your proposal?

>> Yes.

>> Spelman: Okay. Tell me about

-- remind me, what percent mfi are you talking about with rental units. 60%. 60%. I heard 85, I

-- 60 is your best and final offer. 60% on rental, 80% on home ownership.

>> Spelman: So 80% on home ownership.

>> Yes.

>> Spelman: But that's the current proposal, 80% for 99 years, some percentage of that. But you're suggesting that we eliminate the home ownership requirement and instead replace it with 3% of your gross.

>> No, we'll keep the home ownership requirement for the first-time buyer.

>> Spelman: Okay.

>> In other words they were trying to do it to where if I buy your one

-- year one and three years later sell it, I can only sell it

-- I have to share my equity and keep it affordable, and we just want it for the first, because it's very difficult

-- it's impossible to do under this scenario. So in

-- for relief from the planning commission recommendation, we're going to one-up the rest of the M.U.D.s YOU'VE APPROVED And go fr 3% to 2% and still do the ownership and the rental.

>> Spelman: What percentage of homeowners would be able to buy at 80%? 10% of the units offered.

>> Okay. So 10% of the rental units at 60%, 10% of the home ownership units at 80%, plus 3% of the gross bond sales.

>> Correct.

>> Spelman: Gotcha. Tell me about the beratti tract.

>> The beratti tract is a tract that we do not control right now. It is to the east of us. It's in the

creedmoor mahaccn. It needs to do the same thing that we did in order for you to be able to serve it.

Needs to be able to be bought out of their ccn. We would like the ability because it's right next door to us, to be able to get that taken care of and be able to annex it into our m.U.D. Under the same agreement that we have for this.

[13:10:11]

>> Spelman: And the motion sheets that staff has prepared and then

-- for us would accomplish that result without having to do through a whole separate annex

-- procedure for you to annex them into the m.U.D.? We wouldn't have to see it again, you could just annex them?

>> That's correct.

>> Spelman: Gotcha. Thank you.

>> Mayor leffingwell: Council member morrison?

>> Morrison: I just want to get

-- make sure one thing is clear based on these previous questions. The 3% that you're talking about, instead of doing 99 years, the 3% is really 3 versus 2, because 2% is already in the deal. Is that

--

>> that's correct. 2 is what you've done on all THE OTHER M.U.D.s.

>> Morrison: Exactly, and the others clufd the 99 years?

>> No, nobody has been able to crack the m.U.D. Of 99 years.

>> How does it work at mueller with that?

>> You own the land over there, or you did.

>> Morrison: And that's what makes the difference?

>> Mm-hmm.

>> Morrison: Okay, thank you.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: I want to go back to the beratti tract. Are you saying that tonight we would approve the annexation of that tract without having given

-- gone through the normal annexation procedures?

>> Yes. And that's a very short way of saying what we'd like to do is bring the beratti tract back under the same conditions that we're doing this one but not have to go through the same year-long procedure to do that.

>> Cole: Okay. I have a question of staff. Are we

-- wouldn't that take extra posting or are you we able to do that under legal staff or legal

-- jerry?

>> Mayor pro tem, what mr. Suttles is discussing is the annexation by the m.U.D. Of the beratti tract so no the annexation into the city limits but the m.U.D. Itself would be able to captained self and double in size as far as the tract we're talking about today.

[13:12:17]

>> In addition, my understanding is that in order to do that it would take a

-- the council would have to waive certain provisions of the city code. Is that right?

>> That is true.

>> And our general practice is when we are waiving city code provisions to include that in the posting.

This is pretty

-- it's a pretty significant waiver, and we haven't posted it, and my concern would be that we're not actually posted to do that. I understand that it has happened once in the past, and I've actually instructed the staff not to do that anymore.

>> Mayor?

>> Mayor leffingwell: Council member tovo.

>> I a few questions. First for mr. Suttle. You talked about the 99 years as being impossible and I guess I want to better understand why. Did you talk with some of the organizations that are able to partner on

-- with home ownership?

>> We talked to your housing department, and they were telling us that it's

-- it's

-- they're having trouble getting people qualified for them. What happens is, is that when you and I own a house and we have the equity, we own all the land, we own the house and all, but in this case there's a third party that owns a piece of our house an third party is some trust or somebody else, and when you sell the house they get to participate in your deal. And that means setting up an organization that holds that interest in land for 99 years, and it's a

-- it's a process that we're told is hard to qualify for. It affects the m.U.D. Bonds because it affects the assessed valuation and nobody has really done that yet in this scenario. Now, I understand it has been done, I believe at mueller, but I'm told that doesn't fit our situation.

>> Tovo: I see, so you're saying

-- when you say it's not been done in your situation, you're talking about the m.U.D. Situation?

[13:14:18]

>> Yes.

>> Tovo: Okay. And I guess I would like to ask that question

-- unless anybody else has questions for mr. Suttle I have a few for staff.

>> Riley: One question.

>> Mayor leffingwell: Council member riley.

>> Riley: Mr. Suttle, when we talk about 3% versus 2% of bond sales going to the housing trust fund, can you give us a sense of how much money we're talking about.

>> Roughly about 270 and \$300,000 extra.

>> Riley: A one-time payment?

>> Yes.

>> Riley:270, 300,000.

>> Yes.

>> Riley: Thanks.

>> So right now I think our estimated number is, at 2/, 2/

-- 2% it's roughly \$545,800. That equates to 2%. So

-- I don't do math well but it's north of 250,000 more is the additional thing we're offering to not have to do the 99 year deal.

>> Riley: Okay. Thanks.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Do you have any

-- any

-- you say you don't do math, but do you have any math that suggests that \$250,000 would be a reasonable trade-off for 99 years of affordability? And actually a question there is, it's 10%

-- what number of houses are we talking about, approximately.

>> Mark, do we know the number of houses out there yet? About 500.

>> Morrison: So we're talking about 50 houses, 98 years of affordability equating to

-- how do you  
-- I guess I don't even know how you would do that math.  
>> We made it up.  
>> Morrison: You made it up.  
>> We made it up because it was so  
-- the planning commission recommendation was see if you can go do that and we determined we can't.  
We met with your staff a couple times so rather than come in here and say we can't do it, we want to be treated like all other M.U.D.s, THE OTHER 8, AND Do the 2% and not do t 99 year, this one was hard, there was no science to it.

[13:16:32]

>> Morrison: I appreciate your willingness to admit that.  
>> Mayor Ieffingwell: Other questions?  
>> Tovo: Y he, ma ir I have have  
-- have  
-- I have a question for housing staff and then I have some for mr. Rusthoven.  
>> Rebecca jello with neighborhood housing and community development office.  
>> Tovo: Thanks very much. It sounds as if you met with mr. Suttle and talked about this. Are there  
-- what options might be available? Were they to want to explore the 99 years. It's my understanding we have organizations in town that manage that kind of relationship.  
>> So we concur that the  
-- the key difference would be the 99 years affordability. We do  
-- and we concur that there would have to be another mechanism in place that's third party to help broker that transaction. The corporation is a  
-- is a third-party broker, if you will, is an entity that could create the mechanisms for that transaction. The corporation could hold title to the land and maintain the ownership in perpetuity. That said, it is different than the other  
-- the way THE OTHER M.U.D.s WERE Structured, and we would have to make that a part of the arrangement, and we have not had that kind of conversation. Can it be done? Yes. Is it financially feasible? We would have to take a look at that, and certainly the developer, I know, would want to be able to analyze through as amended, it would be at least 25 years of no tax revenue, possibly as much as 32 years?

[13:20:47]

>> I'm sorry?  
>> Tovo: It would be at least 25 years of no tax revenue, possibly as much as 32 years?  
>> Yes, it would be 25 if they did the full term  
-- 25, possibly longer, because they don't have to sell the bonds on day one. As a matter of fact they can't sell the bonds on day one, so, you know, it  
-- from today it would be longer than 25 years.

>> Has the city calculated the net loss of property taxes?

>> Virginia Collier is more well-versed than I am on the num.

>> Tovo: Are these in our backup? I'm not finding them.

>> In the matter I distributed out it explains that the 25-year compared to the 15-year bonds compared to the m.U.D. No option, the taxes that the city would defer you could estimate at half of what's listed there for m.U.D. Taxes because the proposed m.U.D. Tax rate is at 97 cents, so I added up based on their proposed development schedule and the amount of houses they're building during that time frame. This would be the total tax the m.U.D. Could access for this area. If you look at the second road erow

--

>> I'm sorry to interrupt you but what memo are you looking at?

>> It's a two-page memo in response to council member Cole's request at the first hearing, explaining the tax implications for the proposed m.U.D. For 25-year bonds the city wouldn't collect taxes. The amount of taxes the m.U.D. Could collect would be \$65.1 million, so approximately half of that would be the taxes that the city would forgo.

>> Tovo: And so that number would be in the \$30 million category?

>> Right. Correct.

>> Tovo: So this is a \$30 million decision before us, in essence?

>> That's correct.

>> Tovo: And slU calculated the benefits

-- have you calculated the benefits that are being promised in exchange for the city forgo foregoing \$30 million of tax revenue?

[13:22:51]

>> I think that would be difficult to calculate because a lot of position the city wouldn't be investing in. Those would be things the developer would invest in. So the city wouldn't be obligated to build.

>> There was, as I recall, some kind of investment that the city has committed to with regard to service lines that we would not have to pay back

-- we would have to pay back if the property is annexed.

>> Correct the \$3 million cost reimbursement approved by council in accordance with policies in 2008 is somebody the developer would be willing to put into the m.U.D. Bonds so the m.U.D. Would pay for that.

>> We'd be foregoing \$30 million of tax revenue, if you subtract out the \$3 million we'd have to reimburse we're foregoing \$20 million division. I see Mr. Suttle. You'll you'll have a chance to respond but I want to hear the staff's perspective. Also I guess I want to talk for a minute about what this does to our ability to annex other tracts around it. So if we don't annex this, are there other tracts we then will be prevented from annexing because they'll no longer be immediately adjacent?

>> Right, because the way this

-- this m.U.D. Is kind of configured, the surrounding tracts would be eligible to develop and they would be eligible for full-purpose annexation, so you might have a situation where you have areas that are stuck in a m.U.D. For 35 years. [Laughter] and then the areas around them as they continue to develop would be brought into the city and that would create complications for service delivery. For example,



the fire department that is building a new station, they call it the onion creek station, would be the closest station to this area and would be serving the parts of austin that surround this development and likely be serving this area as well through automatic aid agreements prior to them being part of the city's tax base.

>> Tovo: So would the areas around the m.U.D. Be able to be annexed? You would have to go around the m.U.D. To annex them?

>> It would be complicated and create a difficult jurisdictional boundary, yes.

[13:24:55]

>> Tovo: So it could in effect prevent the city of austin from annexing some of those other areas, thus foregoing that tax revenue as well?

>> Right. Right.

>> Tovo: And can you explain to me the beratti tract discussion. A m.U.D. Has the ability to independently annex other tracts?

>> Similar to requiring city consent because they're located in our e.T.J., Prior to creating a m.U.D., If a m.U.D. Wants to expand its boundaries they also need city consent to expand the boundaries. So there's a process in the city code that describes when a m.U.D. Wants to annex territory into their tax base that they go through boards and commission reviews, notifications and ultimately council approval to annex additional territory. So in this case the beratti tract is a larger acreage than the original m.U.D. Bowfnd ri so it would be doubling the size of the m.U.D.

>> If we raised that requirement tonight that would in essence skip all of that public process and allow them to double the size of their tract?

>> Correct.

>> Tovo: So what would be the reasons

-- what would be the

-- is let me ask you this. Is the staff recommending this?

>> There's challenges, I think, to this district, and I think the m.U.D. Is not an appropriate tool for use of this location for this project.

>> Tovo: Okay, thank you. And then I guess my last question is, what would

-- why would this be in the city

-- what

-- what would be the city's rationale for doing this? I mean, I understand that there was a proposal to annex it, and so I assume that that's really the city's preferred path, but I'm struggling to find why this would be in the city's best interest to allow this m.U.D. To be formed and forgo \$27 million worth of tax revenue, possibly more, if we count the other tracts that could then not be annexed. I mean, maybe that's a rhetorical question but I would love to hear from the staff, if there are any

-- if I'm not thinking about this

--

[13:26:56]

>> I think I have an answer

--

>>

-- in the appropriate way. I'd love to hear. Mr. Rusthoven, did you have any  
-- anything to add?

>> I can't think of a reason why we'd want to create a m.U.D. At this point. It's true that mr. Suttles offering things as [inaudible] the m.U.D. And the pud that the city would not otherwise be receiving as part of the superiority for the pud. Some of those things are valuable to the city on a monetary basis such as foregoing the reimbursement agreement. The other place, hard thing to place a value on, such as the arts, et cetera, but I think that we as staff, although certain city departments are receiving benefits, if the m.U.D. Were to be approved, from an annexation policy standpoint, from a planning standpoint we cannot see a reason to approve the m.U.D.

>> Tovo: Okay. Thank you. I appreciate that, and, mr. Suttle, I promised you an opportunity to respond. So do you have any

--

>> from the outset, we had to earn your thought that this is a good deal, and so what we did  
-- remember the baseball analogy, I said if this were a baseball game the score would be 13-1, and it would be 13 departments that said this is a good deal and virginia and jerry don't think it is. And that's what it is. They have a narrow band that they look at. I'm not sure of the numbers that they come up, 27 and 30 million. Mr. Canutsend is prepared to address this in more detail, but he owns several acres inside the city and for the last several years you've collected 12,000 bucks of taxes because this area hasn't developed and taken off, and I think he'll tell you his client may have paid more. He got annexed and the city flat didn't do what they said they were going to do. But what you have to decide, and I know you decided at first reading this was not enough for you, and you still feel that way, obviously, you just  
-- the rest of the council has got to decide, is there enough benefit here in favor and foregoing the annexation, and I think the numbers are inflated and I think mark can address that. I don't know where he went. There he is. If you'd like to hear more detail, we just flat disagree with the city's numbers. They've had the opportunity to collect taxes out here forever and it hasn't developed, and there's a reason, you got to do higher development. I think if you'll listen to the onion creek folks they'll also tell you why there's a reason that this is a good idea. So it's just a balancing act. Do you think you're getting enough, and you've decided apparently not, and we're just trying to convince five others  
-- because we have to convince five, that we have given number and I think 13 other departments have said we have, and that's kind of how your process is laid out in the resolution and that's what we tried to follow.

[13:29:48]

>> Tovo: I appreciate your response. To be clear I believe when I voted on first reading I said I hadn't heard enough to convince me that it was in the best interest of the city and that's why we're having a hearing to try to hash out some of these issues. Mr. Lesniak, you look like you have some information.

>> Thank you, chuck lesniak, environmental officer with watershed protection. I can't speak for the other departments mr. Suttle is referring to, but from watershed's perspective we're not necessarily

recommending this m.U.D. We don't have an objection to it. They have provided some additional environmental value. I don't think it's especially significant. There is environmental value to the m.U.D. We're not necessarily recommending it. We're not objecting to it.

>> Tovo: And that's in response to the discussion about each department weighing in, whether or not that's a numbers up or

--

>> yes.

>> Tovo:

-- Lack of objection. I see. Mr. Canutzen, you look you're ready to go. I'd like to hear.

>> Mayor leffingwell: Pass them to the clerk, they'll get them to us.

>> Mayor leffingwell: Go ahead, mr. Kanutsen.

>> When he saw virginia's memo for the first time today at 3:00 I was really surprised how somebody could come up with millions and millions of dollars in valuation for the city when this piece right here, the gray portion right here is

-- this total project is 223 acres, which has 135 acres in the m.U.D. And 88 acres that are in the city. 88 acres that are in the city are not generating any kind of m.U.D. Revenues. We're only doing things for the city to develop that 88 acres. So the whole 223 acres becomes enabled with the m.U.D. Legislation. The

-- right now the land that's in the city was annexed into the city in december of 2003. The city has collected a total in ten years of \$12,397 on that land. How somebody can project that you're going to suddenly collect 27 million, I have no idea, but these are the facts and I brought the tax receipts if you want to see them. What the m.U.D. Does is it enables us to develop not only the 135 acres that's in the m.U.D., But it also enables us to develop the city tract, and so the city becomes a dual beneficiary of the m.U.D. It now suddenly does have city property that gets developed and that goes up in value. In addition to that, the m.U.D. Brings in customers, not only just in the city limits but also outside the city limits, for the water and wastewater facilities that are in place. And so let me hand one more thing out. Well, it's true.

[13:34:04]

-- While it's true if the 135 acres is annexed into the city, there is going to be some limited taxes generated on it, because without the m.U.D. There's no enabling financing. The only thing that happens is you get to collect another thousand dollars a year in taxes. Just doesn't make any sense. But with the m.U.D. Not only do we have the enabling financing lets it develop not only the 888 acres but the 135 acres, and more than in that the street excavation drainage, water, wastewater, erosion control, et cetera, is \$16 million, and that doesn't even cover streets. So there's all of the line items that she says are

-- are not normal m.U.D. Things are exactly normal m.U.D. Things. And so I'm at a loss as to how

-- where virginia got her numbers for her taxes and I'm at a loss about where virginia got her numbers about what normal m.U.D. Expenses are because it's not consistent with M.U.D.s YOU'VE APPROVED. If there are any questions I'd be happy to answer them.

[13:37:42]

>> Mayor leffingwell: Thank you. I have a couple of questions, and mr. Cesaro, I see that you're here. As I recall when we first heard this you had some significant potential objections to this. I wonder if you could elaborate on how the changes affect your position now.

>> Well, our interest is really in being able to get easements to connect to the city utilities. I represent cw hetherly. My name is peter see sairo, and mr. Hetherly's property has been annexed into the city of austin, full-purpose annexation since 2009. We've been paying full taxes on this property since 2009 and receiving no services in exchange for those taxes. By approving the m.U.D. And including the condition in the consent agreement that we get easements within ten days, we'll be able to connect to the city's water and wastewater system that are on the property of mr. Kanutsen. I know it's kind of a chicken or the egg. The city doesn't want to extend service out in this area unless there's development, but there can't be development, especially mr. Hetherly's property, without having access to the utilities. He's been in the city, full purpose, current rules, full tax rolls, paying taxes without services. Our hope is the m.U.D. Gets approved so we can get those easements. It's not an objection to the changes, but if the m.U.D. Is not approved and we can't connect we'll probably file for deannexation from this desired development zone in the city of austin. I'm happy to answer any questions.

>> Mayor leffingwell: Sounds to me like

-- I think what I was hearing before from mr. Knutsen was that development would be very slow in this -- in this area without the benefit of some master plan community. And what you're saying, sounds like it verifies that.

[13:39:48]

>> That's correct. I mean, because we are under contract right now for single-family homes in areas where the city of austin wants single-family homes, but they can't get developed without being able to access the utilities. And that certainly slows it down, mayor, you're right.

>> Mayor leffingwell: Right. And in your development, the property you represent, how many houses would that in that development if it were fully built out?

>> It's about 296 mixture of single-family homes and kind of smaller duplex units.

>> Mayor leffingwell: And how much affordable housing do you plan?

>> I don't know if the developer

--

>> mayor leffingwell: Would you be required to have any affordable housing?

>> We would not be required to have any. We are subject to the current rules in the city of austin. I represent the landowner, and he's trying to sell the land to a home builder to be able to build these homes in the city.

>> Mayor leffingwell: I'm just saying, I was hearing a while ago it's hard to quantify what the benefits of the m.U.D. Would be, but it seems to me like a significant amount of affordable housing, which we can do in a m.U.D. Situation that we couldn't do in an ordinary zoning situation, would be possibly a quantifiable benefit.

>> Exactly. Exactly. And you would also be able to allow a property that's been in the city and paying city

taxes since 2009 to actually be able to develop in the city.

>> Mayor leffingwell: So improvements would significantly increase the tax base?

>> Right.

>> Mayor leffingwell: What is it, four to one? Do you anticipate something like four to one or something like that?

>> Probably. I know the current tax rolls on mr. Hetherly's property is about \$30,000 a year, because we're not able to sell it to a developer without being able to access the utilities. So it's a pretty crucial issue for us.

[13:41:48]

>> Mayor leffingwell: Thank you.

>> Tovo: Mayor?

>> Mayor leffingwell: I think council member tovo has a follow-up.

>> Tovo: I do. I had an opportunity to meet with you yesterday. I just want to be clear that I understand the issue at hand, is

-- for you is really about getting utilities.

>> Right. Right.

>> Tovo: You happen to have struck a deal with this property owner that if they get their m.U.D., You get an easement and you get utilities.

>> Right.

>> Tovo: But really you can develop that tract once you get utility service. Your development of -- the development of the tract for the property owner you represent depends on utility service.

>> It depends on utility service and I'll be coming back to remove a conditional overlay regarding 2,000 trips. I mean, we've just done a tia, so those are the two issues regarding mr. Hetherly's property and they're both threshold issues, the utilities being a key issue, and we'll been trying to get utilities for five years now and this is the first opportunity we've been able to get services for all the taxes that have been paid.

>> Tovo: Okay. Thanks. But I just want clear that the development of your tract, depends on utility service, not on a m.U.D., adjacent tract of land.

>> Yes.

>> Mayor leffingwell: I understand that completely. My point was without the benefit of a planned community such as would be in this m.U.D., That process has been very slow?

>> Exactly. Exactly.

>> Cole: Mayor, I have a question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I'd like to talk to a representative from onion creek. I understand that they are here and have some interest in this, and I want to understand what that is.

>> Dick ferelti and I live in onion creek.

>> Cole: Help me understand why this m.U.D. Is important to the onion creek neighborhood.

>> Because the development that was first proposed back in 2006 kind of got off track, and then it was approved preliminary in 2008 in the summer. It is a very plain vanilla, nothing has any, let's say roses to

it, and so unfortunately we couldn't stop it because he was meeting the requirements, and that's what he was putting in. And it was nothing to tie into the subdivision. But since then the reason for the m.U.D. is it gives them the financial tool, and because he asked for the m.U.D. And the city put in the requirements, it's a whole lot better development, and they have made agreements to tie into the country club. They will put a cart crossing. There will be -- it's a mixed-use development, so there will be actually development in there of some retail and other businesses other than what he had planned before. So we're happier. It just gives a better full-fledged development. And it's immediately adjoining the south side of our property.

[13:44:55]

>> So it's an adjacent property that you approved the type of development that is being planned?

>> Right.

>> Cole: I mean, it would be amenable to the naked.

>> It's a lot better. Even ms. Collier had told me back when they was going through these legislature, which I was up visiting her several times, she said, it is a better development under the m.U.D., Because it's meeting what the city wants now, other than just coming out there and laying a tract of homes in the subdivision.

>> Cole: All right. Thank you.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: Are you close by? Mr. Peroni?

>> Yes.

>> When was onion creek built out?

>> About 2000. It was started in '73. When the bridge was put in in '94 they put in the last section across the street

-- I mean, across onion creek there.

>> Spelman: So most of the houses were built in the late '80s, early '90s?

>> Yes, the first one, 71 through 93, 94, and when they put in the bridges they put in the other houses,.

>> When did you move in?

>> I moved in in 1990.

>> Spelman: It was about half built out then or mostly built out?

>> It was just the old section was. And unfortunately in the late '80s or the middle '80s when we had the downturn in real estate, the lower section on the north end of the subdivision on the west side of the creek was just sitting there with streets, because, you know, the real estate just was a bust. And then all of a sudden that came alive in the early '90s and then they

-- lic went on and developed across the creek, put that in. And if you all know the story, onion creek was a water extension from manchaca road, 2304, back in '73, city water, and the only reason they were able to make this work is they had put in a package plant, and that's what it was. It sat out there, it was an island for years until

-- and the city annexed this in 2004.

[13:47:03]

>> Spelman: But there was -- the last 15 years there hasn't been much activity in your neighborhood?

>> No, sir. You had the area just

-- north of us over there, and the old lockhart road, which is bradshaw crossing. Just now lamar is doing their development across there and I understand they're a pid and they've got a 15-year before they're going to be fully annexed. Across the highway.

>> Spelman: Gotcha. Thank you, sir.

>> Thank you.

>> Mayor leffingwell: Other questions or comments? Mr. Suttle, did you want to add something?

>> Just.

>> Just one thing we've got obligations that are woven together, one is we're providing service to the beratti tract as part of our deal and that's why we wanted it as a potential annexed area. My client says he's obligated to build the utilities to extend over there and [inaudible] thinks it's just easements, but either way we're connected to the beratti tract to help extend the city's services. You've got a preliminary plat that's a standard preliminary, part of this consent agreement, we're agreeing to come back through the pud process which you will have the opportunity to help plan and do the land use on this and make it a better community like the onion creek people are asking for. Thanks.

>> Mayor leffingwell: Thank you.

>> Well, mayor, I just wanted to point out a couple quick things, that water has not been out here since 2003. It's only been brought out recently in about the last three or four years. If you go back three or four years our economy was not the best economy that you would say, so it was more difficult for -- particularly to get financing. This

-- the water customers that would be here with or without the m.U.D. Based on the preliminary plan would be retail water customers of the city of austin. That's not to say that beratti tract wouldn't be or would be in the future. I think that's a matter for another day. But those are just some facts I just wanted to put out there.

[13:49:36]

>> Mayor leffingwell: Council member tovo?

>> Tovo: Mr. Guernsey. So is your point that some of the numbers we have here for water and wastewater hook-ups, the city would realize that revenue anyway because there is a preliminary plat on that site and development will likely happen?

>> And that there's water now available that may not have been in 2008 or 2003. Available today and the market is much more favorable today to get the prelims to go forward.

>> Tovo: Thank you. Entert entert ain a motion on the item.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I'll move to approve on second and third reading the

-- all the provisions that we passed on first reading, with one exception, which is the change on the affordable housing to make the contribution to the 3% trust fund and not the planning commission that

is 99 a year recommendation.

>> Mayor leffingwell: Motion by mayor pro tem cole to approve on second and third readings, and the condition was the one that was offered by the applicant, 3% in lieu of the commitment. Is there a second for that motion? Council member martinez seconds.

>> Riley: Mayor?

>> Mayor leffingwell: Council member riley.

>> Riley: Just a couple questions on that. And I guess I'd like to ask mr. Suttle a question or two. I think I heard you say that you were expecting second reading only and you were not expecting we'd get through all three readings tonight.

>> No, actually we have to have all three tonight because the legislation that created this m.U.D.

--

[13:51:36]

>> riley: That's right.

>>

-- Requires us to have everything in place before september 1.

>> Riley: Right. Okay. Can we go back to the issue of 15 versus 25 years? Is that the

-- can you go over again why exactly 15 years won't work?

>> With 15-year bonds the amortization is compressed, and so that affects the tax rate of the residents of the m.U.D., And you end up with

-- on a full m.U.D. Build-out that's a lot of bonded indebtedness that the amortization is just compressed and the tax rate is flat too high and it will not work for this size m.U.D. And this number of units, to spread it out and have that short amortization.

>> Riley: Okay. Thanks.

>> Mayor leffingwell: Any other comments? Council member tovo?

>> Cole: Mr.-- Oh, go ahead mr. Suttle, I'm trying to understand the reason from going from the 15 years to the 25 years we did on first reading. Can you

-- you laid that out to mr.-- Council member riley a little bit. I want to understand. Are you saying that's not financially fees

-- feasible?

>> That's correct. So all these benefits that the m.U.D.

-- That mr. Knutsen was offering to the city to try to get this m.U.D. Were based on a complicated pro forma, one of which is going over

-- or going under your council-approved policy that the m.U.D. Bonds would be 25 years. And I can

-- I could give you a copy of that resolution if you'd like it, or I can just

-- I can read it to you, but it basically says for m.U.D. Bonds it's

-- you're going to limit them to 25 years.

--

>> cole: Let me ask jerry about that real quick while we've got it on the table.

>> Okay.

>> Cole: Jerry, can you clarify the issue of the 15-year versus 25-year?



>> Yes, the staff recommendation for 15

-- regulation for 15 years the rest lewis reads that the term of the m.U.D. Bonds should be limited to 25 years, so I think from our standpoint we took that to be a maximum, and when we recommended 15 it was just because as evidenced by our request for full-purpose annexation last year our purpose was to full purpose annex it now. If the council wants to do the m.U.D., We were recommending 15 just -- because it was a shorter amount of time.

[13:54:02]

>> Cole: So if we're -- actually the motion is on the table right now, and it's been seconded to actually do the m.U.D., So it be your recommendation to do that at 25 years?

>> No, our recommendation was 15 years at planning commission and you all passed on first reading, the planning commission recommendation. So what's in the consent agreement right now that's our table is 15 years. Mr. Suttle is asking to have it amended to make it 25.

>> Cole: And can you say anything about the financial feasibility of that or why would we want to increase that to 25?

>> No, I cannot. I understand that it would be easier to do a 25-year bond, you're spreading out the payment over 25 years rather than 15. We were just looking at it from a perspective of that's ten more yes, sir longer that the city cou not full purpose annex it without assuming the m.U.D. Is dead. I would like to point out the city can annex the m.U.D., You know, before the bonds are paid off. It's just that we have to assume that that which is trecial -- has traditionally been a problem for us.

>> Mayor leffingwell: I understand mayor pro tem cole's motion is what was passed on first reading --

>> I understand the motion to be the first reading motion. Let me -- with an amendment to take up mr. Suttle's offer --

>> mayor leffingwell: And what is the annex time on the first amendment?

>> The annexation time? The bond term was 15 years.

>> Mayor leffingwell:15.

>> On the first reading

-- on the fire

--

>> mayor leffingwell: So that was one of the exceptions or amendments that the applicant was requesting.

>> Correct.

>> Mayor leffingwell: Okay. Council member tovo, did you have a

--

>> tovo: Yeah, I just had a last comment. I appreciate the additional information we received tonight, but to me this is a decision with a lot of financial consequence for the city of austin, and I haven't heard anything in the description of the benefits that really compensates the city for that substantial loss in sales tax

-- I mean, in taxes, in property tax. You know, I think while it's true that development might be different, it might be  
-- it might be more suited and more in line with our current plans, if it's  
-- if part of the benefit here is having some  
-- having some affordable housing, that's certainly a value, but we can  
-- we could build a lot of affordable housing with \$27 million, which it sounds like is part of the differential, with a 25-year  
-- I guess we're at 15-year. Mr. Rusthoven, what is 15  
-- what does 15 years look like in terms of tax revenue lost?

[13:56:42]

>> Let me see if ms. Collier has that information. Also, I presume the motion includes the two cleanup items that ms. Collier mentioned at the beginning of the presentation.

>> Yes.

>> And if I might add in a similar vein, mr. Cesaro's request, the planning commission recommendation did include the

-- the item before you includes the granting of the easements to mr. Cesaro, but it did state they would be done tonight, and I think that the staff agrees that it's more perfect to say that would be ten days from tonight when the ordinance takes effect rather than to have that occur tonight.

>> Mayor, I would incorporate that in the motion.

>> Mayor leffingwell: Those are the two cleanup items,.

>> Cole: Yes. Incorp incorp orated a second. Have any objection to that? All right. That's incorporated.

>> Mayor and council, let's be clear. I don't want anybody to leave this room tonight thinking this will be okay if it's 15 years versus 25, because it won't be. The things that we've mentioned, we narrowed them down to the very few things that we have to be able to provide these benefits, and it's the additional annexation area, the 25-year bonds, the affordable housing, and the relief to give peter's client the easements within ten days. So I just want to make sure everybody understands that in case one of these veers off. They're all important.

>> Mayor leffingwell: So wha plan b?

>> Plan b

--

>> mayor leffingwell: People always ask me what my plan b is.

>> There's no m.U.D., You have an existing preliminary out there. I'll be interested to see if it really is 27 million over however many years, 25 years, I doubt it. But you'll get a standard plat that's going to cost you way more to serve than you're going to get in tax dollars, and

-- we'll have to do something with the land. He'll probably sell it to a home builder and that's what you get and you get no affordable housing. Oral peter's client doesn't get his easement, nothing else in the list. Presum presum ably if it would cost more to [inaudible] than to annex it we wouldn't annex it. I mean, that's

-- that's what I've always assumed.

[13:58:47]

>> You would presume that. Be an interesting conversation to have someday at a work session to see how that works.

>> Mayor leffingwell: The city did try to annex it last year, did it not?

>> They did, and they would have annexed a bunch of ag land and

-- we just agree with virginia's numbers. It's an honest disagreement. Reasonable minds can differ.

>> Mayor leffingwell: Okay, so basically without the increase to 25 years, that change to the first reading, this whole exercise is pretty much useless to your client.

>> Yes, sir.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: The onion creek subdivision just north of the

-- the m.U.D. In question began in 1973, and only completed the build-out around 2000. Is that about right? I think that's what I heard I say a few moments ago. In 1973 did they have city water or a different source of water?

>> I'm not sure. It's from the city.

>> Spelman: So there's been city water in this part of the world since 1973. That's 40 odd years. Onion creek began immediately adjacent, across onion creek but it's otherwise adjacent to this tract in 1973 for 40 dwrers 40 years or so they've been the only activity in that part of the world but you can't say it's because they didn't have any water because they had city water 40 years ago. [One moment, please, for change in captioners.]

[14:01:20]

>> Spelman: Alternatively there is a reason why this part of the world doesn't -- hasn't taken off very much so far, and our best guess for the future is the same as what's happened in the past is that it's going to be tough slogging for awhile. And in the absence of something to jumpstart development in this part of the world we're probably not going to get a whole heck of a lot. Does that sound like a reasonable characterization of the two points of view to you, jerry?

>> Yes. Onion creek, although it was built in 1973 it was not in the city in 1973.

>> Spelman: Rather famously actually.

>> Yes. Bad memories.

>> Spelman: I remember trying to annex them back in 1997 and it didn't work out so well.

>> But as mr. Guernsey pointed out, it was only recently that we have gotten water service to that tract. And because it is full purpose, water utility service, we feel that's a good candidate for full service annexation and we don't need to forego taxes for 25 years would be a great idea. Mr. Tesaro's client requested annexation in 2009 and we granted him that request so we gave him zoning. I remember the argument at the time was we need zoning to market the property. So although they're able to serve mr. Tesaro, it's his client's responsibility to get the easements to get water to has actual property. We feel that because the utility service is present at the property line for the cascades, the full purpose annexation would be appropriate.

>> Spelman: Summarize for me, why has there been so little activity in this part of the austin region?  
>> I think the water line to the cascades tract just arrived there about three years ago.  
>> Spelman: The cascades tract only got water about three years ago, but onion creek immediately north of that has had water for 40 years.

[14:03:23]

>> Right.  
>> Spelman: Water is close by. It's not a very long stretch to get a service extension.  
>> So you're asking why did it take so long to get from onion creek to the cascades tract?  
>> Spelman: Yes.  
>> I believe mr. Jennings would be better at answering that question.  
>> Spelman: Thank you.  
>> Bart jennings, austin water. Yes, sir. On i-35 next to westlake is onion creek is a 12-inch line, so being able to serve a development of such density won't work with that size line. What the city of austin did is build a line on the other side of i-35, 36-inch and 42-inch and we crossed over. So actually, connecting to mr. Knu tson's property is a 36-inch water line so that provides enough sufficient water to be able to grid the system and meet future development in that area. It would be difficult to continue on with the 12-inch line and provide sufficient enough flow and fire protection for additional development.  
>> Spelman: If there was a 12-inch line to onion creek in the 1970's.  
>> I'm looking at a map that shows there's a 12-inch line now. I'm assuming that's the same line but I don't have certainty of that.  
>> Spelman: If the owners of this projected m.U.D. Had sought annexation into the city back in 1978, 1984, sometime it in the last 40 years, they would have requested a service extension request for water, what would have happened to that service extension request. If they had asked for it, what would happen?  
>> They would do an analysis based upon their ronald growth and development and also look at the surrounding area for the provision of service and would size it accordingly. However, within your scenario is the fact that we could not provide water service at the time because they were in the certificate of convenience and necessity for creedmoor maha water supply corporation. They got out of that area in order to be able to receive city of austin water. So that has been more of a recent occurrence than it was something that was applicable 80, 90, whatever years.

[14:05:41]

>> Spelman: So in the '80's or '90's the ccn was owned by a different water supply corporation, not the city of austin. Had they wanted to develop a subdivision roughly equivalent to onion creek, they would have gotten their water from creedmoor maha.  
>> They could have or they could have sought to be released.  
>> Spelman: But they didn't. Nobody has, despite the fact that onion creek has been under -- was under construction starting as early as 1973. It seems to me -- there's two ways to think about it. One of them is this is the land that time forgot. This is a part of the

city of austin which is just been slow to develop, partly because it's so far south, partly because it's east of the highway. Another possibility is it's just about ready to fill in between onion creek and buda. It's a relatively limited stretch there and it's just a matter of very limited time before this thing actually fills in. That would be more or less I think virginia's argument is we're going to fill in between here and buda fairly shortly. And I expect mr. Suttle's argument would be we haven't yet and we've been sitting on this for 40 years and we need a seed

-- a seed in the oyster before you can actually get a pearl. And I'm not quite sure which one to believe, but I think mr. Suttle has an argument given the historical records of this part of the world has not grown very quickly in the last 40-odd years, which suggests that the 27 million dollars' worth of property tax revenues or 51 or whatever the number is seems a little bit ambitious given the historical record of this section. I guess I'm not asking for a question from you, but you were standing there, so I thought I would go to you anyway. Thank you.

>> Yes, sir.

>> Mayor Leffingwell: While you're up there, go ahead.

>> Spelman: One more thing. That is that if

-- the choice it seems to me is to say yes to the m.U.D. With the recommendations

-- with the request that mr. Suttle is asking for. Given the full m.U.D. The way they're asking for it or say no because a partial m.U.D. With 15 years, I think I'm persuaded it's not going to give the owners of the m.U.D. The time they need to actually develop the stuff that they're talking about. And turn it into a going concern. So I think we ought to either do it mr. Consult's way or not do it at all. And I guess the last thing I feel compelled to mention is that whatever money we're getting from property taxes from any subdivision or any part of the city is not profit, it's gross revenue. The profit, if you want to call it profit, is the net

-- the difference between what we take in and what we have to spend in order to provide services and we're going to have to provide services to any part of the city that we're going to be annexing. If we're not annexing them then those services are the role of the m.U.D., Not the role of the city, and I'm not sure that the net is anywhere near

-- I know the net is not anywhere near \$27 million.

[14:08:46]

>> It councilmember spelman, are you offering an amendment?

>> Spelman: If you would like me to consider that, I would offer a friendly amendment that we do this mr. Suttle's way, including the motion sheets prepared by staff on his behalf in their entirety.

>> Cole: I would entertain an amendment to change the length of time from 15 to 25 in light of mr. Suttle's testimony, but I would not entertain a motion with regard to the tract in light of the testimony that we have

-- the advice that we received from legal.

>> Spelman: Okay. That would be motion sheet number 2, change the terms of 1525. I'm happy to make that amendment. I would also however like to suggest that you consider a motion sheet number 3, which would revise the consent agreement so that the everly tract would receive the easement its looking for and the effective date of when the m.U.D. Is cured in 10 days.

>> Cole: And that's consistent with mr. Tesaro's recommendation?

>> I believe that's exactly what

--

>> Cole: I believe that was incorporated.

>> Spelman: Not yet, but it can be incorporated.

>> Mayor Leffingwell: So your proposed amendment to councilmember cole is to add in the 25 year versus the 15 year restriction, to change the 15 to 25 and to also add in a provision that provides utility access for mr. Tesaro's tract?

>> He actually already has access into the current wording, but it's

-- it's inaccurate. It needs to be an effective date, not the actual date.

>> Mayor Leffingwell: Okay. Do you accept that as friendly?

>> Cole: Yes.

>> Mayor Leffingwell: So there are two things there. Do you accept? Councilmember martinez accepts. The attorney disappeared again and I've got a

-- I want to run down what I believe to be the timetable and what we believe to be the timetable. So we're considering the consent agreement here tonight, right now, but with that there are other actions required, specifically this consent agreement is subject to approval of the spa. Is that not correct? And tonight we're not scheduled for action on that. I believe we're going to be scheduled for action on that on the 28th, is that correct?

[14:11:18]

>> That is correct. So in order to get everything approved by SEPTEMBER 1st, IF COUNCIL Approves the consent agreement this evening it would be effective on the 18th. The m.U.D. Board would meet on the 18th and also approve the consent agreement, conduct their first spa hearing, the following week they would conduct their second hearing and come back for another hearing on the 28th and approval of the spa.

>> Mayor Leffingwell: So my point is the council would get another bite of this apple on the 28th. If we don't approve it on the 28th it's over.

>> That's correct.

>> Mayor Leffingwell: That was probably a little bit too complex of an analogy. Councilmember riley.

>> Riley: I want to make sure I understand that. If we approve this consent agreement tonight and then we later

-- suppose we're not able to approve this strategic partnership agreement, where does that leave us?

>> The m.U.D. Would automatically dissolve on september 1st if the conditions of the consent ordinance are not completed.

>> Riley: I see. This would not be the final

--

>> to be safe, if you're not going to create the m.U.D. You wouldn't approve the consent agreement tonight.

>> Riley: What would be the down side

-- what would be the negative consequences that would flow from approving the consent agreement,

but then not reaching agreement on the strategic partnership agreement?

>> The strategic partnership agreement is an exhibit to the consent agreement this evening so I don't know that there would be much that could change because the m.U.D. Board would also have approved the spa in the meantime between now and the time it comes back to council. I'm sorry, I'm not the attorney that drafted the legislation or couldn't explain it better.

>> Riley: I'm still unclear as to where that would leave us. I think you said earlier that the m.U.D. Would dissolve.

>> I can't say that for certain. I know that the m.U.D. Would dissolve for certain if we don't approve the consent agreement this evening.

[14:13:25]

>> Riley: I understand that. Okay. Mr. Suttle?

>> The way we set the legislation up was to provide the city total control over the creation of this. One of the provisions says that by september 1st you have to have all the documents required either to create or required by the creation document in place by september 1st or the m.U.D. Is lost. So let's take this scenario, you approve the agreement tonight, we sign the consent agreement and the m.U.D. Passes the consent agreement and we come to you on the 28th and you don't pass the strategic partnership agreement with the m.U.D. Then I think what would probably happen is your lawyers would tell you that, well, the strategic partnership agreement was a required document under the legislation and because you didn't do that, we didn't enter into that, then the m.U.D. Would expire.

>> Riley: Okay. And I think I've voiced concerns about aspects of the m.U.D., Both in terms of the duration and the affordable housing terms. To what extent are we going to be able to consider the merits of the m.U.D. As a whole in the course of discussing the spa?

>> I think that is tonight. The benefits of the m.U.D. And all are is -- for creation are tonight. If you're not comfortable that the city is getting enough you should vote no tonight. If you think there's on balance enough to create the m.U.D., You should vote yes tonight and then at the strategic partnership agreement that is an agreement between the m.U.D., Which at that point would be operational, and the city.

>> Riley: And what is the essence of the spa?

>> They memorialize the obligations, since there's no m.U.D. Created yet, that memorial eyes the obligations that the m.U.D. Is going to have to the city.

[14:15:27]

>> Riley: But suppose we want to look further into the costing benefits of the m.U.D. And we take a look at the relative obligations of the parties to the spa and upon further examination we conclude that it really doesn't dollar out. It's just not worth it. And we reach that decision in the course of reviewing the spa. Isn't that

-- wouldn't

-- isn't it conceivable that we would reach that conclusion in weighing the spa?

>> I don't know if it's conceivable that you could reach that conclusion, but I guess a back doorway is if

you wanted to kill the m.U.D. Off in an unrelated action you would vote no on the spa.

>> There is no m.U.D. Today to agree to. The consent agreement today is a consent agreement by the city to the creation of the m.U.D. The consent agreement includes all the provisions that you're talking about, today I agree with mr. Suttle is your only chance at those conditions. If the m.U.D. Is approved on second and third readings today, if we consent to it's creation, it's created, it goes out, it approves the strategic partnership agreement and then the strategic partnership agreement comes back for us for approval, the spa is the mechanism by which they come to an agreement with the city on the terms of the m.U.D. But the city

-- the terms of everything, all the provisions, the affordable housing and etcetera, etcetera, that's all on the consent agreement. The spa is the mechanism by which the m.U.D. Says we agree to do those things. So essentially you're laying out today on the table what the terms of the m.U.D. Creation are. When they approve the spa they go we agree with those things and when we come back on the 28th, we acknowledge their agreement. But the only chance to put conditions on the m.U.D. Approval are this evening.

[14:17:27]

>> Mayor Leffingwell: Understood. So the consent agreement if it's approved this evening would stand as is and the only option on the 28th would be the m.U.D. Continues or it dies.

>> Agreed.

>> Mayor Leffingwell: So the question is on approval of the motion by mayor pro tem cole to approve on second and third readings with the conditions added by councilmember spelman. As a friendly amendment. So all in favor of that say aye. Opposed say no. It passes on a vote of five to two with councilmember tovo and morrison voting no. So now we go to the public hearing, the first of two public hearings on the spa. So the first speaker is richard suttle. Donating time, arthur fo. So you have up to six minutes.

>> Thank you, mayor. Appreciate you having this hearing tonight and have a great night. Thank you. And if somebody has something in the spa discussion, I can get with your lawyers to talk about it. If there's something we need to fix in the m.U.D. Agreement, I don't know that there is a way, but we will entertain further conversations. Thank you.

>> Mayor Leffingwell: Thank you. Richard ferani.

>> Well, again, thank you very much for giving support. Remember, this is an area that the city has always wanted as a preferred growth area, but it's always been tough is getting the consumer to consider that. And that's why this is important. Thank you very much.

>> Mayor Leffingwell: David saxon.

[14:19:28]

>> Good evening. David saxon. I'm just a senior warden at the church on the hill that joins the property that the cascades will incorporate, and we're in support of that m.U.D.

>> Mayor Leffingwell: Peter tesaro. Declining. Mark knutson.

>> If you have any questions I'm here to answer them. Other than that I'm done.



>> Mayor Leffingwell: Thank you. Those are all the speakers we have signed up for the public hearing. I'll entertain a motion to close the public hearing. Councilmember spelman so moves. Seconded by mayor pro tem cole. In favor say aye? Opposed say no? It passes on a vote of seven to zero. That brings us to item number 177. A public hearing and consider approval of the anne and roadway butler trail at the southeast shore master plan. Unless we have any questions of staff we'll go ahead with the public hearing. First speaker is angelica noella. I don't believe she's here. Mitchell rapport. Donating time -- is mitchell rappoport here? Edward reyes? Is edward reyes here? Those are all the speakers that we have signed up. I'll entertain on motion on 177. Councilmember morrison.

>> Morrison: So this is a plan for the southeast shore of town lake park, and I only got my hands on it this week. I know the city manager has worked hard to make sure that we have an opportunity to get a briefing on something. Get a briefing and look at it and take action separately. What I would like to do, mayor, is make a motion that

-- I think we can go ahead and close the public hearing and if issues come up as we go through the discussion I'd be glad to entertain folks. But then to postpone on this action until august 28th. And one of the things that I know is a little bit still up in the air on an issue that's related to this is that we have the holly shores master plan on the other side of the lake that is still getting finalized. And I think that that might be what we were going to hear about from the folks that didn't stick around because there are some assumptions in here about that master plan that might not necessarily be following through. So mayor, I would like to move that we close the public hearing and postpone action on this until august 28th.

[14:22:29]

>> Mayor Leffingwell: Motion by councilmember morrison. Is there a second? Seconded by councilmember martinez. And that will be the public hearing closed and postpone action until august 28th. Discussion? All in favor aaye? Opposed say no? It passes on a vote of seven to zero. And I believe that completes our agenda for tonight. City clerk? Without objection, we stand adjourned at 8:23 p.M.